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THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume IV, 1932

(5th September to 19th September, 1932)

FOURTH SESSION

OF THE

FOURTH LEGISLATIVE ASSEMBLY, 1932



NEW DELHI
GOVERNMENT OF INDIA PRESS
1933



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Legislative Assembly.

President :

THE HONOURABLE SIR IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E.

Deputy President :

MR. R. K. SHANMUKHAM CHETTY, M.L.A.

Panel of Chairmen :

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MR. MUHAMMAD YAMIN KHAN, C.I.E., M.L.A.

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MR. S. C. GUPTA, C.I.E., BAR.-AT-LAW.

Assistants of the Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

RAI BAHADUR D. DUTT.

Marshal :

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

CONTENTS.

VOLUME IV—5th September to 19th September, 1932.

	PAGES.
Monday, 5th September, 1932—	
Address by His Excellency the Viceroy to the Members of the Legislative Assembly	1-13
Members Sworn	14
Questions and Answers	14-44
Unstarred Questions and Answers	44-60
Motion for Adjournment—Communal Decision of His Majesty's Government—Talked out	60, 75-99
Deaths of Mr. R. S. Bajpai, Rai Bahadur T. N. Bhargava and Sir Thomas Moir	61-64
Governor General's Assent to Bills	64
Panel of Chairmen	65
Statement of Business	65
Statements Laid on the Table	65-73
The Port Haj Committees Bill—Presentation of the Report of the Select Committee	73
The Tea Districts Emigrant Labour Bill—Presentation of the Report of the Select Committee	73
The Indian Income-tax (Amendment) Bill—Introduced	73
The Land Acquisition (Amendment) Bill—Introduced	73
The Indian Emigration (Amendment) Bill—Introduced	73
The Trade Disputes (Amendment) Bill—Introduced	74
The Cantonments (Amendment) Bill—Introduced	74
The Children (Pledging of Labour) Bill—Introduced	74
The Indian Railways (Amendment) Bill—Introduced	74
The Code of Criminal Procedure (Amendment) Bill—Introduced	74
Tuesday, 6th September, 1932—	
Member Sworn	101
Questions and Answers	101-46
Motion for Adjournment <i>re</i> Terms of Reference to the Advisory Capitation Tribunal—Negatived	146, 180-200
Statements Laid on the Table	146-50
The Hindu Marriages Dissolution Bill—Re-circulated	151-64
The Child Marriage Restraint (Amendment) Bill— <i>continued</i>	164-79
Wednesday, 7th September, 1932—	
Questions and Answers	201-29
Statements Laid on the Table	229-36
Resolution <i>re</i> Rate for Coastal Port Passenger Traffic—Adopted	237-71
Member Sworn	250
Resolution <i>re</i> Revision of time-scales of pay—Withdrawn	272-77

CONTENTS—*contd.*

	PAGES
Thursday, 8th September, 1932—	
Questions and Answers	279-316
Statements Laid on the Table	316-70
The Code of Criminal Procedure (Amendment) Bill—Referred to Select Committee	370-82
	383-409
Statement of Business	382-83
Monday, 12th September, 1932—	
Short Notice Question and Answer	411-20
Questions and Answers	421-39
Statements Laid on the Table	440-43,
	445-46
Allotment of a day for discussing the Future Constitutional Programme	444
Presentation of the Report of the Public Accounts Committee	446-64
Election of Members to the Standing Committee for the Department of Commerce	464
Election of Members to the Standing Committee for the Department of Industries and Labour	464
The Code of Criminal Procedure (Amendment) Bill—Presentation of the Report of the Select Committee	464-65
The Children's Protection Bill—Motion to continue—Adopted	465-68
The Land Acquisition (Amendment) Bill—Motion to circulate—Adopted	468-78
The Indian Emigration (Amendment) Bill—Passed	478-79
The Cantonments (Amendment) Bill—Passed	479-80
The Children (Pledging of Labour) Bill—Referred to Select Committee	480-92
The Ancient Monuments Preservation (Amendment) Bill—Passed as amended	492-502
Tuesday, 13th September, 1932—	
Questions and Answers	503-41
Motion for Adjournment <i>re</i> Letter of Mahatma Gandhi to the Prime Minister involving Mahatma Gandhi's decision to die—Talked out	541
Statements Laid on the Table	542-51,
	579-603
The Child Marriage Restraint (Amendment) Bill— <i>continued</i>	551-79
Wednesday, 14th September, 1932—	
Member Sworn	605
Questions and Answers	605-33
Motion for Adjournment <i>re</i> Denial of Facilities to a Detenu to perform religious rites—Withdrawn	634-36,
	683-87

CONTENTS—*concl.*

	PAGES,
Wednesday, 14th September, 1932—<i>contd.</i>	
Statements Laid on the Table	636-50
The Criminal Law Amendment Bill—Introduced ...	651
The Bengal Suppression of Terrorist Outrages (Supplementary) Bill—Introduced	651
The Trade Disputes (Amendment) Bill—Passed ...	651-54
The Indian Railways (Amendment) Bill—Circulated ...	654-68
The Port Haj Committees Bill— <i>continued</i> ...	668-83
Thursday, 15th September, 1932—	
Questions and Answers	689-718
Statement of Business	718-20
Election of Members to the Standing Committees for the Department of Commerce and the Department of Industries and Labour	720
Statements Laid on the Table	720-33
Resolution <i>re</i> Statutory Inquiry into the Working of the Tata Iron and Steel Works—Negatived	733-66
Resolution <i>re</i> Constitution of a Board for the Purchase of Coal and Looking after the State Railway Collieries—Discussion not concluded	766-76
Statement <i>re</i> Intentions of Government with regard to Mr. Gandhi	776
Friday, 16th September, 1932—	
Questions and Answers	777-827
Statements Laid on the Table	827-35
Motion <i>re</i> Complete Confidence in the Honourable the President	835-36
The Port Haj Committees Bill—Passed as amended ...	836-68
The Workmen's Compensation (Amendment) Bill—Discussion on the motion to refer to Select Committee not concluded	868-71
Monday, 19th September, 1932—	
Member Sworn	873
Questions and Answers	873-914
Unstarred Questions and Answers	914-30
The Children (Pledging of Labour) Bill—Presentation of the Report of the Select Committee	930
Election of a Member for the Standing Committee on Roads	930-31
The Code of Criminal Procedure (Amendment) Bill— <i>continued</i>	931-72

THE
LEGISLATIVE ASSEMBLY
DEBATES

(OFFICIAL REPORT OF THE FOURTH SESSION OF THE
FOURTH LEGISLATIVE ASSEMBLY.)

VOLUME IV—1932.

LEGISLATIVE ASSEMBLY.

Monday, 5th September, 1932.

ADDRESS BY HIS EXCELLENCY THE VICEROY TO THE
MEMBERS OF THE LEGISLATIVE ASSEMBLY.

His Excellency the Viceroy : Gentlemen, it is my privilege to extend once again a welcome to Honourable Members who are about to enter upon the labours of another Simla session. Many questions of importance will come before you and I trust that the results of your deliberations may prosper the best interests of India and the Empire.

I think I can truly say that since I arrived in this country some eighteen months ago to take over my important duties and responsibilities, we have passed through a period of almost unexampled difficulty both from an economic and administrative point of view, but at the same time, in close co-operation with His Majesty's Government, we have been constantly working and moving steadily forward towards the goal of Responsible Government.

Today it is my duty, as Head of the Government of India, to give Honourable Members an account of our stewardship during the past few months, and also some words of cautious encouragement and hope with regard to the outlook for the future.

Relations with Foreign States situated on the frontiers of India continue to be of a cordial character, and I am glad to be able to inform you that the situation on the North-West Frontier has also caused my Government very little anxiety.

As I mentioned on the last occasion, upon which I addressed you, the Imperial Council of Agricultural Research has been steadily pursuing its useful work in matters agricultural. No doubt, its activities have been affected to some extent by the prevalent financial stringency which reluctantly compelled the Government to suspend, for the year 1932-33, its annual grant of rupees five lakhs to the Council for research work. I

[H. E. the Viceroy.]

would, however, like to assure Honourable Members that this purely temporary suspension of the grant does not in any way mean that the Government of India have changed their previous opinion in regard to the importance of agricultural research in this country. We are fully alive to the overwhelming importance of agriculture to this country in general and to the fact that the need for a central institution to co-ordinate and direct research remains as great as ever. We hope that it will be possible before long to restore the grant in question.

It is gratifying indeed to note that Indian States are one by one coming forward to become constituent members of the Imperial Council. The notable example of His Exalted Highness the Nizam of Hyderabad was followed by the Government of His Highness the Maharaja of Mysore in 1931, and only recently the Government of India have agreed to the proposal of the Government of His Highness the Gaekwar of Baroda to join the Council.

Honourable Members will remember that, as a result of the recommendations of the Sugar Committee of the Imperial Council of Agricultural Research and of the Tariff Board's enquiry that followed, the Sugar Industry Protection Act was passed in April last; the impetus which this protection has given to the industry may be gauged from the fact that about 24 sugar factories have been or are about to be set up in Northern India in the current year and more are expected to follow. There is considerable scope for the expansion and development of the sugar industry in this country both on the agricultural and the manufacturing side. My Government fully realise the value of research in this connection, and it is their declared intention to assist this development by provision of funds to the Imperial Council for sugar research.

Honourable Members will recollect that in September last and again in February of this year I referred to the adverse economic conditions which afflict the Indian agriculturist. Since then there has been some improvement in the situation, but the position is still abnormal. Agricultural prices continue low, and such increase as has occurred leaves the level much lower than that to which the agriculturist has been accustomed in recent years. There is dearth of money and slackness of trade. Only a world revival can give the requisite stimulus to a substantial improvement in this country. Meanwhile, Local Governments are making strenuous efforts to provide such relief as lies in their power. They have had full resort, wherever necessary, to suspension and remission of land revenue and to reduction of rent; they have made liberal advances of agricultural loans. Some of them are also contemplating or exploring the possibilities of adopting special measures. The Government of the United Provinces, for example, have recently set up an Agricultural Debt Committee. The Government of the Central Provinces propose shortly to introduce in the local Legislative Council a Bill to set up Conciliation Boards for reducing the burden of agricultural debts in that Province. I earnestly trust that the measures taken or planned will afford the agriculturist the needed relief in these difficult times.

The prospects of the present harvest are generally, I am glad to say, good; the monsoon is up to the present favourable and, except in a few parts of the country, the condition of the crops is satisfactory. There is also some evidence that a revival of prices has begun.

During the last Delhi session my Government introduced in the Legislative Assembly three Bills relating to the Haj which are based on the recommendations of the Haj Enquiry Committee. The first of the Bills provides for the amendment of the Indian Merchant Shipping Act, 1923, with a view to improving conditions on board the ships engaged in the pilgrim traffic, safeguarding the health of pilgrims and minimising the risk of their becoming destitute in the Hedjaz ; the second aims at the establishment of Haj Committees at the principal pilgrim ports to assist pilgrims proceeding to or returning from the Hedjaz ; and the third is designed to regulate the activities of professional pilgrim guides in British India and to protect pilgrims from fraud and exploitation. The Bills came before Select Committees in May and June. The Select Committee's Report on the second Bill will, I hope, be presented to the House this session. The other Bills evoked some public criticisms which have necessitated further enquiry. Until those investigations are complete and the Select Committees have reported, the Bills must, for the present, remain in suspense.

Honourable Members will remember that, when we last met, there were already signs that India's credit was improving. I am glad to say that since then the improvement has been much more marked. Since April we have floated three loans—one in sterling and two in rupees—of the total amount of 58 crores, the last of which, as you are aware, was over-subscribed in about four hours, though it gave a return of only $5\frac{1}{2}$ per cent. as compared with $6\frac{1}{2}$ per cent. for the loan issued about this time last year. We have also been able to reduce our floating debt in the form of Treasury Bills from $84\frac{1}{2}$ crores at the end of August, 1931, to $24\frac{1}{2}$ crores at the end of this August and to reduce the price we pay for our accommodation from about $7\frac{1}{2}$ per cent. to about $3\frac{1}{2}$ per cent. The rise in the price of our sterling securities has been even more remarkable. Our $3\frac{1}{2}$ per cent. India Stock, which is our standard loan, has appreciated by practically 50 per cent. in the last twelve months. This improvement in our credit is, of course, largely due to the measures taken by the National Government in England, culminating in the largest and most successful financial operation of all time—the conversion of two thousand million pounds of War Loan from a 5 per cent. to a $3\frac{1}{2}$ per cent. basis. That naturally had the effect of reducing the price of money here ; but it would have been unavailing but for the increased confidence of investors—both in England and in India—in the future of this country, a confidence which I fully share.

I wish I could give you as cheerful an account of our immediate financial position. But here we cannot expect any remarkable improvement until world prices improve ; and, though there have been encouraging signs in the past few weeks of a rise in the price of our more important staples, such as cotton, jute and wheat, it is too early to say that the tide has turned. It is, of course, much too early to prophesy how the budget will turn out, but it is clear that we cannot contemplate any relaxation of that stern policy of rigorous economy in public expenditure which my Government outlined twelve months ago.

The financial position of our railways continues to cause concern. We had not been over-optimistic in our estimates, as we had allowed for no additional traffic as compared with last year, though we expected a crore more in receipts owing to the increased rates and fares that were introduced at various times during 1931-32. But the receipts of the first quarter of the current financial year cast some serious doubt upon even these

[H. E. the Viceroy.]

moderate hopes being realised. We were over a crore, or 5 per cent. down in the first quarter, as compared with last year which was itself a disastrous year, and though the expenditure has been reduced by nearly three quarters of a crore, our net receipts are still nearly half a crore worse than last year. In this, of course, we are only sharing, if that is any consolation, in the misfortunes common to railways all over the world. In the first half of the calendar year, for instance, the four important British railways show a decrease of over $6\frac{1}{2}$ million pounds, or nearly 9 per cent. of the earnings last year. Against the decrease of over a crore in our gross receipts we have to set a reduction of working expenses mainly due to the cut in pay, but our net traffic receipts are still about 40 lakhs worse than during last year.

In spite of the most drastic economies last year and further economies this year, the morale and efficiency of the armed forces remain at a very high standard ; and they continue in a state of readiness to meet every call upon them. Unfortunately such calls have not been lacking—not only on the Frontier, but also at places nearer home. The deplorable disturbances in Bombay are a case in point : and, as Honourable Members know, my Government have recently decided, in consultation with the Government of Bengal, to send a comparatively large force to that Presidency, in the endeavour to put heart into the servants of Government in the very anxious times through which they are passing ; to encourage the loyal elements in the population ; and to demonstrate unmistakably to others the material powers of the Government. I am confident that the steps taken will be welcomed by all right-minded persons ; but the point that I now particularly wish to make is that measures of this kind cost considerable sums of money ; and although I am aware of the continuing demands for the reduction of expenditure on the Army, there is clearly a limit below which such reductions cannot safely be made. As matters stand, that limit is rapidly approaching, if it has not already been reached. I think it is well that we should remember that within the comparatively short period of twelve years the Army budget has been reduced by about seventeen crores of rupees.

It is with great satisfaction that I am able to announce that the Government of India are on the eve of opening their own Military Academy for the training of officers for Army service. The first examination attracted a large number of candidates ; and I trust that full advantage will be taken of the facilities now provided to build up a cadre of officers for the future Army in India who will worthily carry on the traditions of the past.

The first batch of Indian cadets have also been commissioned in the Indian Air Force and thus another important beginning has been made.

Let me now turn for a few moments to inter-imperial relations.

An event of great importance to which I must allude is the signature at Ottawa last month of a tariff agreement between India and Great Britain. The circumstances in which my Government decided to accept the invitation of His Majesty's Government in the United Kingdom are I have no doubt, fresh in our minds. In the entirely new circumstances created by the departure of His Majesty's Government from their old policy of universal free trade and by the substitution for it of a tariff coupled

with the grant of preference to countries within the Empire, my Government were invited to send a Delegation to the Imperial Conference primarily to consider and discuss with representatives of the United Kingdom the question whether it would be in the best interests of both countries to enter into a tariff agreement involving the reciprocal grant of preferences to each other's products. To such an invitation there could surely be only one reply, and in accepting it we made it clear, as you are aware, that no changes in our tariff would be made in pursuance of any agreement that might be reached at Ottawa unless the Legislature were satisfied that such measures were in the interests of India. In the deliberations and discussions which took place, first in London and subsequently at Ottawa, the Indian Delegation to the Conference were given by my Government the freest possible hand, and the agreement recently concluded by Sir Atul Chatterjee and his colleagues embodies only such measures as they, with the fullest possible knowledge of the facts, are confidently able to recommend for acceptance as likely to conduce to the best interests of this country. Into the details of the agreement it would be out of place for me to enter. Honourable Members will have observed that, as regards preferences to be given by India to the United Kingdom, the terms of the agreement recently announced state only the measure of such preference and leave open for decision the manner in which the various duties are to be adjusted. It will be the duty of my Government to place before you specific proposals regarding the manner in which effect may, in our judgment, best be given to the agreement and the earliest suitable opportunity will be taken to invite your acceptance of those proposals. I need hardly remind Honourable Members that they will have the benefit, during their deliberations, of the presence of two members of the Delegation itself. There is, however, one feature of the agreement to which I wish to direct very special attention. We felt that, on the eve of great constitutional changes, it would not be right to ask you to accept an agreement which would bind India for a long period ahead, and it is primarily with this consideration in view that the agreement is so expressed as to be terminable at six months' notice by either party to it.

I am sure Honourable Members would wish to join me in an expression of very cordial thanks to Sir Atul Chatterjee and all his colleagues for the admirable manner in which they carried through their negotiations and fulfilled their very responsible tasks.

I turn now to the political situation and the matter that I must refer to first must be the civil disobedience movement. It is well to remind ourselves how this movement came into being, for political memories are short, and the public mind tends naturally to concentrate on events as they pass before it day by day rather than to reflect on the causes that have set them in motion. It is, therefore, worth while to recall that at a time when Mr. Gandhi with the other representatives of India was sitting in Conference with representatives of the British Parliament, engaged in a joint endeavour to find the greatest measure of agreement as a basis for the new constitution, some of his professed followers in India were actively engaged in organising intensive and dangerous movements directed against the stability of Government. In two Provinces these preparations had been carried to a point at which orderly government was seriously menaced. In the United Provinces a movement had been launched against the payment of rent and land revenue at a time when the rural population were feeling acutely the strain of unprecedented economic

[H. E. the Viceroy.]

conditions. The consequences of allowing such a movement to spread, a movement which would have undermined the economic foundations of society and respect for law among a vast agricultural population, would have been incalculable. In the North-West Frontier Province an agitation, frankly revolutionary and even more dangerous to the security of the whole of India, had been developed, by means of a large body of volunteers organised in semi-military fashion, to a point at which further toleration was impossible.

The action which my Government was eventually forced to take in order to counter these two aggressive and dangerous movements was met by the Congress by a renewal of civil disobedience throughout the country. When I last addressed Honourable Members on the 25th of January, these events were fresh in our memories and the outcome of them was still uncertain, but I said at that time that there could be no compromise in this matter, and that I and my Government were determined to use to the full the resources of the State in fighting and defeating a movement which would otherwise remain a perpetual menace to orderly government and individual liberty, and I added that there could be no relaxation of the measures in force against civil disobedience so long as the circumstances exist which make them necessary. That has been our policy during the last eight months, and I wish to make it perfectly clear that it is and will continue to be our policy.

It is a policy that has met with a remarkable degree of success. The non-rent campaign in the United Provinces has died away and the red-shirt movement in the North-West Frontier Province was rapidly brought under control. Over the greater part of India the mass of the population is no longer concerned with civil disobedience, and so far as they reflect on the matter at all, there is a feeling of relief that measures have been taken which have restored a sense of security and peace. During the first two months of the movement, the number of convictions was large, amounting to over 32,000. Since then the convictions have been steadily decreasing, and many have been released either on completion of their sentences or on giving assurances for their future behaviour. The number of those in jail is diminishing with some rapidity. The largest number in jail at any one time was at the end of April when it amounted to nearly 32,500. The number at the end of July stood at about 24,000, and this represented a reduction during that month of some 5,000.

I do not wish to suggest for a moment that the civil disobedience movement is finished or that it does not still remain a very definite menace, against which we cannot afford to relax our precautions. The Congress is an extensive organisation which commands, even outside its own ranks, a certain degree of sympathy among many of the educated classes. It is still pledged to the policy of civil disobedience, and is doing what it can to maintain the struggle. It would be rash to prophesy how long it will be before the Congress leaders realise, or at any rate bring themselves to acknowledge openly, that they have failed. But to us it is, by this time, abundantly clear that the movement cannot succeed so long as Government maintains its existing policy.

This brings me to a consideration of the measures it has been necessary to take to secure these results. As soon as the Congress declared its intention to renew civil disobedience, I deemed it essential, in full agreement with my Government, to take certain wide powers by means of a

series of Ordinances. These Ordinances expired after six months, and as the period for their expiry approached, it became evident that we were in no position to discard the weapons with which civil disobedience was being fought. Accordingly, at the end of June, I issued a new consolidated Ordinance. At the same time, special care was taken that these powers should not be extended to areas in which the conditions did not essentially demand them. The consolidated Ordinance will expire at the end of the year. My Government have been considering, with great care, what action will be necessary on the expiry of the Ordinance. We have decided that the general law should be strengthened by the inclusion of a considerable number of the provisions of the Ordinance. We regard this measure as essential, not only for the purpose of bringing to an end the present civil disobedience movement, but as an insurance against the revival of any similar activities in the future. In addition to the proposals which my Government will lay before you for a strengthening of the general law by Central legislation, it will be necessary for the Governments of those Provinces in which the civil disobedience movement has proved a special menace, to introduce Provincial legislation, which will reproduce other provisions of the Ordinance which local conditions appear to demand. We should be failing in our duty if we did not ensure, to the best of our ability, that this movement is brought to an end and that there should be no chance of reviving it.

It is no satisfaction to my Government to be forced to propose these measures for the strengthening of the law, but we are faced with ideas and methods to which we must offer the most resolute opposition. The leaders of the Congress believe in what is generally known as direct action, which is an example of the application of the philosophy of force to the problems of politics. It is the antithesis of what we understand by constitutional self-government, which is the policy His Majesty's Government is endeavouring to pursue in regard to India. The fundamental idea of His Majesty's Government, as explained by the Prime Minister at the end of the Round Table Conference, is that to the greatest degree possible responsibility should be placed on the Legislatures, in other words that government should be based on argument and reason and on the wishes of the people as constitutionally expressed. I do not think I do the Congress an injustice when I say that their policy and their methods are directed to securing their objects not by persuasion but by coercion. The Government on the one hand, the mass of the people on the other, are to be forced and intimidated into doing what the Congress consider is right. The fact that the force applied is as a rule not physical force, in no way alters the essential characteristic of the attitude which at the present moment inspires the Congress policy. Their aim is to impose their will on those who do not agree with them. The events in Bombay City have provided the most striking example of these aims and these methods, and have resulted in an interference with the course of trade and the liberty of individuals to manage their own affairs and pursue their normal business, which is proving disastrous to the prosperity of the community, and which Government are bound to do all in their power to resist.

Another and more sinister manifestation of this philosophy of force confronts us in Bengal. Here too, we find those who are determined to impose their will on the community, but the method they have adopted is that of physical terrorism by means of assassination and other crimes of violence. The catalogue of these outrages grows steadily longer. I

[H. E. the Viceroy.]

need hardly remind you of the recent murders of three devoted public servants, Mr. Douglas, the District Magistrate of Midnapur, Mr. K. P. Sen, Special Magistrate, Dacca, and Mr. Ellison, Additional Superintendent of Police of Dacca and the determined attempts, providentially unsuccessful, on the lives of Sir Alfred Watson, the Editor of the *Statesman*, and Mr. Grassby, Superintendent of Police, Dacca. Apart from these and other outrages of a similar kind, a large number of dacoities are taking place, some of them accompanied by murder, which are carried out in pursuance of this movement. The movement is at present directed primarily against the officers of Government and those who support it. But if it were to succeed, those who achieved power by this means would exercise it ruthlessly against all who opposed them. There would be an end to all aspirations for an orderly system of self-government. The leaders of the terrorists would be in a position to establish a tyranny supported by methods utterly repugnant to civilised feeling, and it is a commonplace of experience that methods often persist long after the objects they were primarily designed to secure have been lost sight of. I would, therefore, urge all law-abiding citizens most strongly not to let any feeling of sentimental sympathy with mistaken ideas of patriotism blind them to the terrible dangers that this movement holds for them all and for the future of their country. The Government is determined to use all its efforts to counter this movement, and in this they can reasonably ask for the active support of all those who have their country's interests at heart. The Bengal Government are at the present time asking their Legislature for special powers to deal with the movement, and it will be necessary for my Government to lay before you shortly a complementary Bill which will be necessitated by the passage of the local legislation.

Let me take this opportunity to review the progress of constitutional work since I addressed Honourable Members last January.

The second Round Table Conference left certain problems for specific investigation ; the franchise, federal finance, and certain claims of the States. His Majesty's Government entrusted these investigations to three Committees ; the Franchise Committee of which the Marquis of Lothian was the Chairman : the Federal Finance Committee presided over by Lord Eustace Percy and the States Enquiry Committee presided over by the Right Honourable J. C. C. Davidson. The field of their inquiries was wide. The problems referred for their consideration were complicated and difficult. All three Committees set about their several tasks with an earnestness of purpose which compelled our admiration. The Report of the Federal Finance Committee was published in May and of the Franchise Committee in June. The Committee over which Mr. Davidson presided visited a large number of States involving extensive travel and had in addition to deal with a great mass of historical and statistical material. In consequence its Report was published only in July after the Committee's return to England.

I do not propose to deal with the contents of these documents with which you are no doubt yourselves familiar. The problems discussed are of the greatest importance in the task of building up the all-India Federation which it is our object to attain. I am aware that many of the issues raised are in a high degree controversial. But we can all agree that the recommendations of these three Committees are a contribution of the utmost value. They have helped us to understand the breadth and depth

of some of the difficult issues which confront us, and they have indicated the directions in which solutions may be found. I feel confident that I am truly expressing opinion widely felt throughout the country when I say that we are under a great debt of gratitude to those who at considerable sacrifice of their personal convenience served on these Committees, and have given us of their best in the three valuable Reports I have mentioned.

While these Committees were pursuing their inquiries, no time was lost on the official side with the preparatory arrangements to bring the North-West Frontier to the level of a Governor's Province. I went to Peshawar myself last April in order to inaugurate the new Legislative Council and to deliver to the people of the Frontier the gracious message addressed to them by His Majesty the King-Emperor on entering upon their new status. In my long experience of official life I can recall few occasions which have given me greater pleasure than that historic day when I assisted in the fulfilment of the most cherished wish of the Frontier people that their Province should stand on an equality with other Provinces. I claim that the advance made has been justified by the results, and I draw therefrom a moral that is not confined to the Frontier alone. In place of dissatisfaction we have contentment, and the course is set fair for orderly and harmonious progress. We watched with interest the proceedings of the first session of the new Legislative Council marked as they were by dignity and good sense. I take this opportunity to assure the people of the Frontier to-day of my personal faith that they will not fail when at the next stage of reforms now rapidly approaching they are asked to take still greater responsibilities upon their shoulders.

But I have not yet come to an end of the many other constitutional activities of the last few months. At the end of May there was published the Report of the Orissa Committee which investigated the implications of setting up a separate Orissa Province. In June we received the Chairman's Report of the Sind Conference convened for the purpose of trying to overcome the financial difficulties disclosed by the expert enquiry made last year.

This autumn a general election will be held in Burma at which the question whether that Province should be separated will be referred to the Burmese electorate. In the meantime we have been further examining the financial aspects of separation with a view to stating the case for reference to a tribunal commanding general confidence in India and in Burma. Before this reference is made, my Government propose to place papers before you and obtain your advice.

My own Committee, the Consultative Committee over which I personally presided, was able to get through a considerable amount of valuable work in Delhi, but we found our discussions of the major issues continually impeded by the communal difficulty, and I would say with all sincerity that it was a great disappointment to me personally that a Committee, from which so much was hoped, was unfortunately hampered by circumstances outside its immediate control.

Within the last month, His Majesty's Government have announced their decision regarding the representation of the various communities in the Provincial Legislatures under the new constitution. It was with great reluctance that they consented to make these decisions, for they have repeatedly expressed their conviction that the only really satisfactory settle-

[H. E. the Viceroy.]

ment of this problem would be one devised and accepted by the communities themselves. But when the communities had completely failed to arrive at any agreement, and the whole plan for a new constitution in India was in danger of being brought to a stop by the failure to reach conclusions, His Majesty's Government consented to give their Award. That Award has been given with a sincere desire to hold the scales equal between the various communities. It is natural that the communities, whose refusal to abate their own demands had resulted in a deadlock, should not be fully satisfied regarding the Award of His Majesty's Government. But I would ask Honourable Members to remember that there are only three possible courses to follow in this matter. The first is to accept the Award of His Majesty's Government, and on that basis to continue as rapidly as possible with the work of framing the new constitution. The second is, even at this late hour, to devise a settlement other than that framed by His Majesty's Government, to which the various communities concerned will give their willing assent. The third is to abandon all hope of constitutional advance. This third course is inconsistent with the aspirations and demands of many years, and the practical choice, therefore, must lie between the first and the second.

It is natural that when a decision is given on a question which has been the subject of such acute controversy among the various communities for so long a period, discussion will proceed on the assumption that each community will form in each Provincial Legislature a self-contained and homogeneous unit pursuing its interests in opposition to every other community. To my mind this is a profound misconception of the developments to which we may look forward under a system of self-government. A Government has to deal with the practical problems of the advancement and prosperity of its people. The people are not in their ordinary lives divided in exclusive communal compartments. They have the most varied relations with each other, and these relations develop a series of interests and objects which are bound to cut across the purely communal outlook. I would, therefore, suggest to those who are looking at self-government in India as a problem of the Raj of one community or of another to reflect that in practice this is not a natural development, and I would urge them rather to contemplate as a more probable picture of the future a grouping of parties on the basis of economic or other non-communal interests.

The completion of the specific enquiries I have mentioned and the announcement of the Communal Award brought us to the conclusion of a definite stage and interest passed to the next steps to be taken in the task of completing the scheme of constitutional reform. But before I take up the debated question of future procedure, let me first attempt very briefly to sum up the general constitutional position now reached. The second Round Table Conference gave us in broad outline the framework of the future Federation, and I would remind Honourable Members that on the conclusion of the Conference the White Paper of His Majesty's Government, comprising the scheme evolved in the Conference discussions, was placed before Parliament and received its approval. Do not let us lose sight of the importance attaching to the approval then given. What in effect did it mean? The policy of His Majesty's Government expressed in the Prime Minister's speech at the conclusion of the first Round Table Conference was the policy of the Labour Government then in power. The

contribution of the second Round Table Conference was that the same policy was first accepted by the National Government and then approved by Parliament. Once that step was taken, the introduction of constitutional reform in India on the basis of an all-India Federation, coupled with the widest practicable measure of Responsible Government at the Centre and in the Provinces, could no longer be described even by its critics as a party decision. It is now the approved policy of the British Government, of the British Parliament, and of the British people.

In thinking over the problems of the new constitution I have found it a help to divide them into three well-defined groups—those problems which impinge primarily on the relations between the two countries, Great Britain and India. In this group there come such matters as reservations and safeguards. Secondly, those problems affecting the relations of British India and the Indian States. In this group I put the federal issues, for instance, the composition of the Federal Legislature, the proportion of seats to be assigned to the States, and last, but not least, federal finance. My third group relates to the relations between the Centre and the Provinces in British India. During these summer months my Government, with the encouragement and support of the Secretary of State, have been actively engaged in taking stock of the position under each of these three large groups of issues, scrutinising with care the problems arising from this or that difficult complication, seeking and suggesting solutions for further consideration by the Lord Chancellor's Committee, which, in Lord Sankey's personal charge, has been engaged on similar work at home. In the course of this work we have probed deeply into questions of which past discussions have touched only the surface. But we have discovered nothing to shake our faith in the ideal we pursue. Speaking on behalf of my colleagues and myself I tell Honourable Members frankly that the conclusion we have reached is that all that is now required is good-will and mutual confidence to carry us to the end of our journey, so that we may see rising before us the fruition of our hopes and labours. We have passed from the early stages when the field was prepared by the discussion of general principles. We have reached the time when practical decisions must be taken. Need I say that this is the stage when the ready help of all who wish well of our work is most to be desired ?

Honourable Members may remember the discussions in the second Round Table Conference on the subject of what was described as reform by instalments, and the strength of feeling aroused in some quarters against any suggestion that a start should be made first with the Provinces. But at the same time there have been some, including in their number many whose opinion merits respect, who have argued that Federation must take time and that Provincial Autonomy should be the stepping-stone to the larger scheme. After the fullest consultation with my Government, the Secretary of State announced on the 27th June that His Majesty's Government have decided to proceed by way of a single Bill covering both the Federal Centre and the Provinces. I feel sure that this decision, in which my Government whole-heartedly concurred, has been in accord with the great mass of political opinion in this country.

In this statement the Secretary of State further announced the intention of His Majesty's Government, after they had formulated their specific recommendations for Indian constitutional reform, to set up a Joint Select

[H. E. the Viceroy.]

Committee of Parliament to examine these proposals in consultation with Indian representatives. He said that His Majesty's Government hoped in the interest of speed that no further formal discussions would be necessary in London before these proposals were formulated, but that they were prepared to arrange for such discussions if deliberations in India of Consultative Committee proved less conclusive than was hoped. Since this announcement was made, it has become clear that it is not possible to look to the Consultative Committee for the contribution anticipated from it, and in consequence, in order to place His Majesty's Government in possession of material they will require for framing of their proposals, I am authorised to inform Honourable Members that His Majesty's Government have decided that it will be necessary to hold further discussions in London,—the possibility of which was indicated in Secretary of State's statement. His Majesty's Government propose therefore to invite a small body of representatives of the States and British India to meet them in London about the middle of November. They intend by this means to make an earnest attempt to reach an agreement consistent with the declared policy of His Majesty's Government upon the important questions that still remain to be decided. Whilst the status of the Indian representatives will be the same as that of the delegates at the sessions of the Round Table Conference, the character of the discussion and the stage that has now been reached necessitate a less formal and more expeditious procedure than that adopted during the last two years. This result they are convinced will be best achieved by avoiding any public session and by working upon a fixed agenda. The object of the discussions will be to arrive at an agreement upon as large a number of points as possible. As already indicated by the Secretary of State in the House of Commons, the Government will subsequently present for the consideration of the Joint Select Committee and of Parliament its specific recommendations, including the points which have been agreed to, and will of course support them.

Let me, before I conclude, say a word or two to Honourable Members of a rather more personal character, to express at this critical juncture in the life of India the inmost feelings of one who has spent many happy years in this country and who can claim that he has honestly striven during those years for her progress and advance.

Fate, or I would rather say Providence, ordained that our two races should for long years be associated together in India, and while we have had our differences and disagreements, while we have all made our mistakes, I think if we look fairly at the past, it may truly be said that our association has brought peaceful conditions and freedom of action to all law-abiding citizens, has helped forward the development of the country and has improved the conditions of the people. There is still an immense amount of work to be done. And now we are arriving at one of the most critical moments in the history of India when we British will be soon handing over very largely the responsibility of the administration of the country to Indian control.

When I first landed on the shores of Bombay nearly 20 years ago to undertake the duties of Governor of that Presidency, in the first speech that I made after my arrival there, I appealed for the co-operation of all its citizens to help me in my work. Eighteen months ago when I arrived to take over the duties of Viceroy of India I made the same appeal to all

the citizens of India. Today I again make the same appeal with all the earnestness at my command, for it is surely evident to every thinking man that the success of the Constitutional Reforms cannot be assured merely by the actions of His Majesty's Government or the Government of India. Real success can only be achieved as a result of the willing help and co-operation of the Princes and the People of India as a whole.

Let us therefore put aside all personal distrust and suspicion ; let us believe in each other's sincerity of purpose ; let us get rid of, as far and as quickly as possible, the bitterness of our communal differences. Let us work together in the closest co-operation for the united purpose of securing a national spirit in India, for it is then and not till then that India will take her rightful position among the nations of the world.

It is with these words of hope that I commend Honourable Members to their labours and trust that Providence may guide them aright in the best interests of our country and her people.

The Assembly met in the Assembly Chamber in Simla, at Ten Minutes Past Twelve of the Clock, being the first day of the Fourth Session of the Fourth Legislative Assembly, pursuant to Section 63-D (2) of the Government of India Act. The President (The Honourable Sir Ibrahim Rahimtoola) was in the Chair.

MEMBERS SWORN.

The Honourable Sir C. P. Ramaswami Aiyar, K.C.I.E. (Member for Commerce and Railways) ; The Honourable Sir Frank Noyce, Kt., C.S.I., C.B.E. (Member for Industries and Labour) ; The Honourable Sir Alan Parsons, Kt., C.I.E. (Finance Member) ; Mr. Frederick Ernest James, M.L.A. (Madras : European) ; Mr. Richard Smith, M.L.A. (Bengal : European) ; Mr. James Aitchison Milligan, M.L.A. (Bengal : European) ; Mr. R. T. H. Mackenzie, M.L.A. (Nominated Non-Official) ; Mr. Herbert Aubery Francis Metcalfe, C.I.E., M.V.O., M.L.A. (Foreign Secretary) ; Mr. George Richard Frederick Tottenham, C.I.E., M.L.A. (Army Secretary) ; Khan Sahib Shaikh Fazl-i-Ilahi, M.L.A. (Government of India : Nominated Official) ; Mr. Percy Macqueen, M.L.A. (Madras : Nominated Official) ; Rao Bahadur B. V. Sri Hari Rao Naydu, M.L.A. (Madras : Nominated Official) ; Mr. Herbert Tower Sorley, M.L.A. (Bombay : Nominated Official) ; Mr. Arthur Jules Dash, M.L.A. (Bengal : Nominated Official) ; Khan Bahadur Saiyid Amir Husain, M.L.A. (United Provinces : Nominated Official) ; Mr. Henry Challen Greenfield, M.L.A. (Central Provinces : Nominated Official) ; Mr. James Hezlett, C.I.E., M.L.A. (Assam : Nominated Official) ; and Mr. Harold Lacy Nichols, M.L.A. (Burma : Nominated Official).

QUESTIONS AND ANSWERS.

ABOLITION OF THE POST OF ASSISTANT ACCOUNTANT UNDER THE COMMISSIONERS FOR THE PORT OF CALCUTTA HELD BY MR. K. B. ROY.

1. ***Mr. Gaya Prasad Singh :** (a) Have Government received any representation from the Committees of the Bengal National and the Indian Chambers of Commerce, Calcutta, on the subject of the removal of Mr. K. B. Roy, from his post in the Calcutta Port Trust, on the alleged ground of economy, in spite of the unanimous opposition of the Indian Port Commissioners, who are in a minority ?

(b) Have Government kept in view the pledge to Indianise the higher grade services in the Port Trust, which they gave when they accepted the Resolution of Sir Phiroze Sethna in the Council of State in 1922 ? If so, what specific steps have they taken to redeem their pledge, and with what practical result ? What action have Government taken, or propose to take in regard to the case of Mr. K. B. Roy ?

(c) Will Government kindly give the names of the Chairman and the Commissioners of the Calcutta Port Trust, the interests which they represent, and the method of their selection ?

The Honourable Sir C. P. Ramaswami Aiyar : (a) The Government of India have received a joint representation from the Bengal National Chamber of Commerce and the Indian Chamber of Commerce

regarding the removal of Mr. K. B. Roy, from his post in the Calcutta Port Trust.

(b) In this connection I would invite the Honourable Member's attention to the reply given by the Honourable Sir George Rainy to Mr. S. N. Haji's question No. 1105, dated the 19th September, 1927, in the Legislative Assembly. The Government of India receive annually from the major Port Trusts statements showing the number of vacancies in their superior services filled during the previous year by Indians and Europeans and from these statements there is evidence that Indianisation is progressing steadily. The case of Mr. K. B. Roy is now receiving the attention of the Government of India.

(c)

Appointed by Government—

T. H. Elderton, Esq., Chairman, Calcutta Port Commissioners.

Appointed by the Commissioners subject to the sanction of Government—

W. A. Burns, Esq., Deputy Chairman, Calcutta Port Commissioners. (Now officiating as Chairman.)

Nominated by Government, Ex-officio Members—

H. A. M. Hannay, Esq., Agent, East Indian Railway.

V. E. D. Jarrad, Esq., Agent, Bengal Nagpur Railway.

N. Pearce, Esq., Agent, Eastern Bengal Railway.

Captain L. W. R. T. Turbett, O.B.E., R.I.M., Principal Officer, Mercantile Marine Department, Calcutta District.

G. S. Hardy, Esq., C.I.E., I.C.S., Collector of Customs, Calcutta.

Elected by the Bengal Chamber of Commerce—

J. S. Henderson, Esq.

G. W. Leeson, Esq.

K. J. Nicolson, Esq.

S. D. Gladstone, Esq.

M. A. Hughes, Esq.

D. J. Leekie, Esq.

Elected by the Calcutta Trades Association—

H. B. Norton, Esq.

Elected by the Bengal National Chamber of Commerce—

S. C. Ghosh, Esq.

J. C. Banerjee, Esq.

N. R. Sarkar, Esq.

Elected by the Indian Chamber of Commerce—

G. L. Mehta, Esq.

Elected by the Calcutta Corporation—

S. K. Roy Chowdhury, Esq.

Mr. Gaya Prasad Singh : Are Government aware that in 1927 applications were invited for the post of Assistant Accountants, and that Mr. K. B. Roy and Mr. J. B. Mair were considered the best among the applicants, and, as a measure of compromise between the Indian and the European Commissioners of the Port Trust, both of them were appointed ?

The Honourable Sir C. P. Ramaswami Aiyar : Government are aware of that fact.

Mr. Gaya Prasad Singh : Are Government aware that in utter disregard of the recommendations of the Bengal Government, and in opposition to the unanimous voice of the Indian Commissioners of the Port Trust, Mr. Mair was promoted last year to the post of the Deputy Chief Accountant ?

The Honourable Sir C. P. Ramaswami Aiyar : Government know that the promotion took place.

Mr. Gaya Prasad Singh : Are Government aware that the Chairman of the Port Trust put forward a proposal to abolish both the posts of Assistant Accountants, knowing full well that this abolition will affect Mr. Roy only as Mr. Mair was at that time officiating as Deputy Chief Accountant ?

The Honourable Sir C. P. Ramaswami Aiyar : This proposal was put forward by the Commissioners as a measure of retrenchment and the Trust were within their powers in so doing.

Mr. Gaya Prasad Singh : All the Indian Commissioners protested strongly against the proposal ?

The Honourable Sir C. P. Ramaswami Aiyar : It was passed by a majority of the Commissioners.

Mr. Gaya Prasad Singh : But the majority of the Commissioners are Europeans ?

The Honourable Sir C. P. Ramaswami Aiyar : From the names I read out, that would be obvious.

Mr. Gaya Prasad Singh : Are Government aware that this unfair decision of getting rid of the only high placed Indian official on the Calcutta Port Trust was because he was standing in the way of an Anglo-Indian gentleman and that this decision was intended to discredit Indianisation ?

The Honourable Sir C. P. Ramaswami Aiyar : It is stated by the Commissioners that this measure was taken as one of retrenchment. In the course of my answer, I have already stated that the case of Mr. Roy is now under investigation by the Government of India.

Mr. S. C. Mitra : In view of the fact that the interests of Indians are not safe at the hands of the Board of Trusts as constituted at present, do Government contemplate amending the Calcutta Port Trust Act ?

The Honourable Sir C. P. Ramaswami Aiyar : The Honourable Member will surely realise that a temporary happening of that kind, even assuming that the premises are accurate, would not be the right point of departure for amending the constitution of a self-governing body.

Mr. Gaya Prasad Singh : Are Government aware that Government will stand discredited thoroughly if the services of Mr. Roy are dispensed with ?

The Honourable Sir C. P. Ramaswami Aiyar : The Honourable Member no doubt thinks that Government will stand discredited thoroughly, but I am sure the Honourable Member will realise that as I have stated more than once, the Commission, which is an autonomous body says that this step was taken as a measure of retrenchment and Government discrediting themselves is somewhat beside the point as Government have really very little to do with the matter.

Mr. B. Das : In considering the representation of Mr. Roy, will Government bear in mind the various interpellations and discussions that took place in this House from 1926-27 onwards and also the various representations they have received from the Chambers of Commerce and also the desire of the Members of this House for Indianisation of higher posts ?

The Honourable Sir C. P. Ramaswami Aiyar : A resume of all the expressions of public opinion has been given by the Honourable Member and this will be borne in mind.

CORRESPONDENCE BETWEEN MAHATMA GANDHI AND GOVERNMENT.

2. ***Mr. Gaya Prasad Singh :** (a) Will Government kindly state if any correspondence passed between themselves, or the Secretary of State, and Mahatma Gandhi after his latest arrest and imprisonment ?

(b) If so, are Government prepared to place a copy on the table ?

The Honourable Mr. H. G. Haig : (a) The Government of India have had no correspondence with Mr. Gandhi. As regards correspondence between the Secretary of State and Mr. Gandhi, I invite attention to the Secretary of State's statement made in the House of Commons on April 29th, 1932.

(b) It is not proposed to lay a copy of the correspondence on the table.

Mr. Lalchand Navalrai : Will the Honourable Member enlighten the House if Mahatma Gandhi was free in jail to carry on correspondence with the Government of India on political matters ? Was he free to enter into correspondence voluntarily ?

The Honourable Mr. H. G. Haig : I did not quite catch the purport of the Honourable Member's question. Was it that the Government had placed Mr. Gandhi in jail for the purpose of corresponding with them ?

Mr. Lalchand Navalrai : The question relates to this : As a trusted leader of India on all political questions, he should have been given an opportunity to correspond with the Government of India. Was that opportunity given to him ? Was he supplied with all the information and all the papers so that he might carry on correspondence ?

The Honourable Mr. H. G. Haig : There is nothing to prevent Mr. Gandhi addressing a letter to the Government of India or the Secretary of State.

Mr. Lalchand Navalrai : Will the Honourable Member please state in answer to the question that I have put, whether Mahatma Gandhi was kept informed of all the political matters which were going on in the country, outside the jail, so that he might carry on correspondence with the Government ?

The Honourable Mr. H. G. Haig : Mr. Gandhi has full access to the papers which are full of political matters ?

Mr. Lalchand Navalrai : Will the Honourable Member please state if Mahatma Gandhi was supplied with all the Indian newspapers or was he supplied only with particular newspapers ?

The Honourable Mr. H. G. Haig : I cannot undertake to say that Mr. Gandhi was supplied with all the Indian papers, but I am sure that he was supplied with quite a sufficient selection of papers.

Mr. Lalchand Navalrai : Is the Honourable Member aware whether the Communal Award has been communicated to Mahatma Gandhi so that he can give his own opinion ?

The Honourable Mr. H. G. Haig : Mr. Gandhi could not possibly read an Indian paper without being fully acquainted with the terms of the Communal Award and the comments made thereon.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state whether Mahatma Gandhi is restricted to certain papers ?

The Honourable Mr. H. G. Haig : As I have said, I understand that Mr. Gandhi is supplied with a considerable selection of papers. It is obviously impossible that he should be supplied with the whole of the very large Indian press.

Mr. B. Das : May I inquire if the correspondence that passed between Mahatma Gandhi and the Secretary of State was censored by the Superintendent of the Yavada Jail, and whether copies of that correspondence are in possession of the Honourable Member ?

The Honourable Mr. H. G. Haig : I have no doubt that any letters which come out from the jail are seen by the Superintendent, but I have no recollection at the moment of having seen this particular correspondence.

PERSONS ARRESTED AND CONVICTED UNDER THE ORDINANCES.

3. ***Mr. Gaya Prasad Singh :** Will Government kindly lay on the table a statement, showing separately the number of persons arrested and imprisoned under the different Ordinances up-to-date, in various Provinces ?

The Honourable Mr. H. G. Haig : I lay on the table a statement giving the information in my possession. It will be observed that the figures

relate to the number of persons convicted, not necessarily imprisoned, and that I have no separate figures relating to the number of arrests.

STATEMENT.

Statement showing (a) number of persons convicted under the Ordinances for offences connected with the civil disobedience movement and (b) number of persons arrested and detained in jail under section 3 of Emergency/Special Powers Ordinance.

Province.	No. of persons convicted under the Ordinances for offences connected with the civil disobedience movement since the beginning of movement in January up to the end of July 1932.	No. of persons arrested under section 3 of Emergency/Special Powers Ordinance up to the end of July 1932.	No. of persons detained in jail under section 3 of Emergency/Special Powers Ordinance at the end of July 1932.
Madras	710	..	..
Bombay	2,993	1,616	75
Bengal	3,331	769	9
U. P.	3,572	13	..
Punjab	967	9	..
Bihar and Orissa	1,804	..	..
C. P.	1,158	..	..
Assam	610	..	..
N. W. F. P.	50	3,736	6
Delhi	301	41	5
Ajmere-Merwara	5	..	..
Total	15,501	6,184	95

WOMEN IMPRISONED IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT.

4. *Mr. Gaya Prasad Singh : Will Government kindly place on the table a statement relating to the number of women arrested and imprisoned in connection with the civil disobedience movement ?

The Honourable Mr. H. G. Haig : I have no information regarding the number of arrests. The number of women convicted, though not necessarily sentenced to imprisonment, in connection with the civil disobedience movement up to the end of July 1932 was 2,711. The number of women in jail on the 31st July, 1932, the latest date for which figures are available, was 1,020.

Mr. B. Das : Are Government aware that the women civil disobedience prisoners are at times treated inhumanly by the police authorities and in a manner not justified by the Ordinances and the laws and enactments of the Government of India ?

The Honourable Mr. H. G. Haig : No, Sir ; I am not aware of any such treatment.

Mr. B. Das : Has not the Honourable Member noticed such statements in the Indian Press ?

The Honourable Mr. H. G. Haig : I have seen statements like that, and I think there is a question later on the subject relating to the treatment of Miss Slade.

Mr. Lalchand Navalrai : Has the Honourable Member been reading all the papers ?

(No reply was given.)

GRANT OF A HOLIDAY IN THE LOCAL BRANCHES OF THE IMPERIAL BANK OF INDIA IN BIHAR AND ORISSA DURING THE SONEPUR FAIR.

5. ***Mr. Gaya Prasad Singh :** (a) Are Government aware that the Sonepur Fair in November every year is a very important religious festival in Bihar, and that all civil and criminal courts, including the Government Treasury, remain closed for six or seven days, which are declared as Gazetted holidays ?

(b) Are Government aware that the Imperial Bank of India, which have got Branches in Bihar and Orissa, is not closed even for a day, so far as those Branches are concerned, and this causes general dissatisfaction to the people concerned ?

(c) If so, do Government propose to take necessary steps to see that a day's holiday is granted in the local Branches of the Imperial Bank in Bihar and Orissa on the above account ?

The Honourable Sir Alan Parsons : (a), (b) and (c). Branches of the Imperial Bank of India cannot be closed except on Sundays and days notified by the Local Government as public holidays under section 25 of the Negotiable Instruments Act. The decision as to the days to be notified rests with the Local Government.

PRINTING OF TEN-RUPEE NOTES ON STAR WATER-MARKED PAPER BY THE CURRENCY NOTE PRESS, NASIK.

6. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that old ten-rupee star water-marked paper to the value of approximately Rs. 3,00,000 was indented from England in 1928 in the Security Printing, Nasik, on which ten-rupee notes to the approximate value of six crores of rupees were printed ; but before the notes were issued to the public, many of them were found to be in circulation in an unauthorized manner ?

(b) Is it a fact that these notes were detected by the Controller of Currency, Calcutta, who reported the matter to the Master, Security Printing, Nasik, who undertook a verification of the printed stock, and actually found a number of notes to be missing ; and consequently the series of printed notes were not issued to the public, but were destroyed, resulting in heavy loss to Government ?

(c) Will Government kindly state :

(1) the actual number of reams of the old ten-rupee star water-marked paper that were indented from England for note-printing in Nasik in 1928, and its total cost ;

- (ii) the number of reams actually used in printing together with the actual number of ten-rupee notes finished ;
- (iii) the number of old ten-rupee notes issued to the Controller of Currency ; and
- (iv) the number of reams now lying unused in stock in the Currency Note Press ?

(d) Is it a fact that a large number of old ten-rupee notes were pilfered from the Currency Note Press due to the " inefficient supervision " on the part of the supervisors concerned ? If so, how many such notes were pilfered or found missing ; and what action, if any, was taken against the supervisors, or whether any legal proceedings were instituted ?

(e) Was any enquiry made by Government into the matter ? If so, will they kindly lay on the table a copy of the correspondence that passed between themselves and the Master, Security Printing ; or at least a copy of the remarks passed by Government on this case ?

(f) Is it a fact that the design of the ten-rupee notes was suddenly changed into the present one soon after the detection of the shortage ? If so, what was the reason for this change in design ?

The Honourable Sir Alan Parsons : (a) During 1927-28 Star water-marked paper of the value of about Rs. 4-1|3 lakhs was obtained from England for printing ten-rupee notes. Six million notes were printed on this paper, of which only 41 were found to be in circulation in June and July, 1928, though none had been issued officially from the Currency Note Press.

(b) The answer to the first part of the question is in the affirmative. The total number of notes stolen was 158 and the principal reason for not issuing notes of this pattern to the public and for introducing a new design of ten-rupee notes was not the theft of such a small number of notes from the Currency Note Press but a large increase in receipt at Currency Offices of forged notes of a similar design.

- (c) (i). 8,437 reams costing about Rs. 4-1|3 lakhs.
- (ii) 592 reams on which six million notes were printed.
- (iii) Nil.
- (iv) 7,544 reams.

(d) and (e). The Master held an enquiry and reported to Government that the theft of 158 notes was due to insufficient supervision, stupidity and carelessness on the part of the Probationary Chief Supervisor, Control, and a Probationary Assistant Supervisor. They were removed from their posts. The perpetrator of the theft was convicted and sentenced by the Court to a term of imprisonment. I regret that I am not prepared to lay correspondence on the table of the House.

(f) The design was changed shortly after the discovery of this theft ; not because of the theft, but because it had been found that a very similar design lent itself to forgery.

PRINTING OF POST OFFICE CASH CERTIFICATES ON OLD TEN-RUPEE STAR WATER-MARKED PAPER.

7. *Mr. Gaya Prasad Singh : Is it a fact that the postal cash certificates were formerly printed on ordinary paper and are now being printed on the costly old ten-rupee star water-marked paper ? If so, why ?

The Honourable Sir Alan Parsons : All Government securities including Treasury Bills and Post Office Cash Certificates are at present printed on the star water-marked paper referred to in the previous question with the object of using up as profitably as possible this paper which can no longer be used for notes.

Mr. Gaya Prasad Singh : Is it intended to resume printing Postal Cash Certificates on ordinary paper after the stock of the star water-marked paper is exhausted ?

The Honourable Sir Alan Parsons : I do not think that has been considered, but I imagine we shall do so as the other paper is expensive.

QUARTERS FOR THE STAFF IN THE SECURITY PRINTING, INDIA, NASIK.

8. *Mr. Gaya Prasad Singh : (a) Will Government kindly state if separate quarters are provided for European and Indian staff in the Security Printing, India, Nasik, and they are marked as " Staff Quarters ", and " Indian Staff Quarters " on the board ? If so, under what sanction of Government this classification has been made ?

(b) What is the cost of a first and second grade " Staff Quarter " ; and the cost of a first and second grade Indian Staff Quarter, separately, and the amenities provided in them ?

The Honourable Sir Alan Parsons : (a) As in New Delhi, two classes of quarters are provided for the staff—one class for Europeans and Indians living in European style and another class for Indians living in Indian style and they are marked on the board as stated in the question.

(b) The cost of the quarters is as follows :

Europeans style first grade—Rs. 25,660.

European style second grade—Rs. 20,530.

Indian style first grade—Rs. 13,830 and Rs. 11,850.

Indian style second grade—Rs. 6,360.

The accommodation, apart from a kitchen, store room and the usual out-houses, which are provided in all cases, consists of four living rooms in European style quarters, first grade, three living rooms in European style quarters, second grade, and Indian style quarters, first grade, and two living rooms in Indian style quarters, second grade. All quarters are fitted with electric light.

Sir Cowasji Jehangir : Do I understand the Honourable Member to say that the European quarters cost Rs. 25,000 odd, while the Indian quarters cost Rs. 13,000 odd ?

The Honourable Sir Alan Parsons : Yes, that is correct.

Sir Cowasji Jehangir : Am I to understand that the accommodation for the Europeans costs so much more than the accommodation for

the Indians, simply because the two buildings are constructed suitably to the requirements of each class ? Why is there such a great difference in cost ?

The Honourable Sir Alan Parsons : My information is that the European style first grade quarter to which my Honourable friend has referred has one more room than the Indian style first grade quarter ; that would account for part of the difference.

Sir Cowasji Jehangir : But one room cannot certainly account for such a great difference between Rs. 13,000 and Rs. 25,000 ?

The Honourable Sir Alan Parsons : I said it accounts for part of the difference.

ALLEGED RACIAL DISCRIMINATION IN THE ALLOTMENT OF QUARTERS TO THE STAFF OF THE SECURITY PRINTING, INDIA, NASIK.

9. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that Miss Griffin, lady-typist, whose pay is about Rs. 130 only per month, occupies a second grade quarter which is worth about Rs. 18,000, whereas the Chief Supervisor, Control, Currency Note Press, Rao Bahadur Wasudev Anant, whose pay is about Rs. 900 per month, occupies a quarter worth about Rs. 12,000 only ? What are the actual costs of these quarters ?

(b) Is it a fact that Mr. Corby, the Estate Custodian, whose pay is about Rs. 150 only per month, occupies a first grade staff quarter, worth about Rs. 24,000 ; and is he entitled to it under Government Rules ? What is the cost of quarters occupied by Indians drawing salaries similar to the lady-typist and Mr. Corby ? Will Government please state the reasons for this racial discrimination ?

(c) Is any house-rent charged from the above persons ? If so, on what scale ?

The Honourable Sir Alan Parsons : (a) Miss Griffin, who is a Stenographer, occupies a second grade European style quarter as this is the lowest type of quarter available in which a person living in European style can be suitably housed. The Chief Supervisor, Control, Currency Note Press, occupies an Indian style quarter of the first grade.

(b) Mr. Corby, the Estate Custodian, who is a retired gazetted officer of the Police Department, occupies temporarily a first grade European style quarter which would otherwise be empty owing to reduction of staff. He draws a pay of Rs. 190 in addition to his pension. Indians drawing a salary similar to the Lady Stenographer live in Indian style quarters, second grade. Those drawing a salary similar to the Estate Custodian's salary *plus* pension live in Indian style quarters, first grade.

(c) House rent is charged at the usual rate of 10 per cent. of pay and in the Estate Custodian's case at 10 per cent. of pay *plus* pension, subject to the maximum assessed rent.

Mr. Gaya Prasad Singh : I do not understand why a lady typist getting Rs. 130 a month should occupy a quarter costing Rs. 18,000, and an Indian officer whose pay is about Rs. 900 a month should be occupying a quarter worth only Rs. 12,000.

The Honourable Sir Alan Parsons : I gather from the information given to me that the Indian officer wishes to live in an Indian style quarter. The stenographer happens to be a European lady and she occupies the lowest class of European style quarters.

Mr. Gaya Prasad Singh : Why should this racial discrimination be allowed in the building of quarters and accommodation of members of the staff of the Security Printing Press ?

The Honourable Sir Alan Parsons : I am not myself acquainted with the Security Printing Press at Nasik. I imagine that among the Indian staff there are some who wish to live in European style quarters and some in Indian style quarters ; but if any further information is wanted, I must ask the Honourable Member to put down a question on the paper.

Sir Cowasji Jehangir : Will the Honourable Member inquire into the question whether, as a general principle, buildings built for Europeans cost very much more than buildings built for Indians of the same status ? I have never heard of such a thing anywhere else and this is the first time I have heard of such a tremendous difference between the cost of quarters for Europeans and Indians of the same class and same status. I would like the Honourable Member to inquire into the question and see that it does not occur again in other places though it might have occurred here.

The Honourable Sir Alan Parsons : I will certainly inquire.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state if it is a fact that Indian officers wish to remain in the same style as Europeans and that they do not want there should be any difference ?

The Honourable Sir Alan Parsons : I think there are a number of Indian officers who now live in what is called the European style ; but there is certainly still a large number of Indian officers who prefer to live in the style of their own country.

Mr. Lalchand Navalrai : Is it not a fact that if they are provided with the same facilities and at the same cost they will prefer to live in the same style equally well ?

The Honourable Sir Alan Parsons : I must point out to the Honourable Member that these people have got to pay the assessed rents of these quarters and that if the cost of the European style quarter is larger, the European will have to pay more rent than the Indian.

Sir Cowasji Jehangir : Is it not a fact that they pay only 10 per cent. of their pay as rent ?

Sardar Sant Singh : Does the department feel satisfied that thirteen rupees a month is the proper rent for a quarter which has cost eighteen thousand rupees ?

The Honourable Sir Alan Parsons : No ; not as a rule.

Mr. K. C. Neogy : Will the Honourable Member in making his inquiries also find out whether under the rules the Indian officer is entirely free to elect for whichever type of quarter he wants ?

The Honourable Sir Alan Parsons : I will certainly have that looked into.

QUARTER OCCUPIED BY THE MASTER, SECURITY PRINTING, INDIA, NASIK.

10. ***Mr. Gaya Prasad Singh :** (a) What is the cost of the quarter occupied by the Master, Security Printing ; and is he entitled, under Government rules, to occupy a quarter worth about Rs. 1,10,000 ?

(b) Is it a fact that a hard tennis court is provided in his bungalow, and was proper sanction obtained for it beforehand ? If not, why not ?

The Honourable Sir Alan Parsons : (a) A house costing Rs. 1,12,000 was constructed for the Master who is occupying it.

(b) There is a hard tennis court on a vacant plot adjoining the Master's garden which is intended for general use. Proper sanction for it was not obtained before-hand.

QUARTER OCCUPIED BY THE MASTER, SECURITY PRINTING, INDIA, NASIK.

11. ***Mr. Gaya Prasad Singh :** Is it a fact that the Accountant General, Bombay, raised certain objections regarding the quarters of the Master, Security Printing, and some other buildings in Nasik ; and will Government be pleased to lay a copy of the report of the Accountant General in this connection on the table ? What action, if any, was taken by Government ; and are Government prepared to lay on the table a copy of the correspondence between themselves, the Accountant General, Bombay, and the Master, Security Printing ?

The Honourable Sir Alan Parsons : The Accountant General raised certain objections and the Auditor General brought the matter to the attention of the Public Accounts Committee, who have dealt with it in their report. As Government have now taken measures which will prevent similar occurrences in future, and as these measures have been discussed and approved by the Public Accounts Committee, Government do not consider any further action necessary.

CONTROL SUPERVISORS IN THE CURRENCY NOTE PRESS, NASIK.

12. ***Mr. Gaya Prasad Singh :** (a) Will Government kindly state how many Control Supervisors are there in the Currency Note Press, Nasik ; how many are from the Presidency of Bombay ; and how many from other Provinces ?

(b) Is it a fact that there are as many as six Assistant Supervisors, Control (Messrs. Mainker, Khot, Kamat, A. R. Desai, G. V. Desai, and Mr. M. V. Naik), all belonging to the Adya Gaur Brahmin community to which the Chief Supervisor, Control, Currency Note Press, belongs, and all coming from the same District of Ratnagiri from which the Chief Supervisor comes ? If so, why ?

The Honourable Sir Alan Parsons : (a) and (b). There are 17 Supervisors of various grades, of whom three come from other provinces than Bombay. I am told that the Chief Supervisor and five of his Assistants are Adya Gour Brahmins, and that the Chief Supervisor and five Assistants come from the Ratnagiri district.

Mr. S. G. Jog : May I know who has made all these appointments, the Master of the Security Printing Press, or whether the matter came before the Government of India ?

The Honourable Sir Alan Parsons : I should imagine it was the Master of the Security Printing Press, but I shall have to ask for notice if a definite reply is required.

Mr. S. G. Jog : Did the Government bring it before the Standing Finance Committee for sanction ?

The Honourable Sir Alan Parsons : As far as I am aware the Standing Finance Committee never deals with appointing particular people to particular posts.

Mr. B. V. Jadhav : Does the Master of the Security Printing Press keep in view and respect the rules made by Government about the claims of different communities ?

The Honourable Sir Alan Parsons : I imagine that he does so.

Mr. S. G. Jog : Will Government see at least that the services are not monopolised by a particular community ?

(No answer was given.)

RETRENCHMENT IN THE CURRENCY NOTE PRESS, NASIK.

13. ***Mr. Gaya Prasad Singh :** Is it a fact that the only two Bengalees, and the only one man from Bihar and Orissa, and the only one man from the Central Provinces, who were in service in the Currency Note Press, Control, have been retrenched, whereas out of the 15 Supervisors from Bombay Presidency, only one man, who was temporary, has been retrenched ? If so, why ?

The Honourable Sir Alan Parsons : The Master, Security Printing, himself decided who should be retrenched. The men who were retained were definitely the most useful members of the Control Staff.

SALE OF INSANITARY AND UNWHOLESOME FOODSTUFFS AT RAILWAY STATIONS.

14. ***Mr. Gaya Prasad Singh :** (a) Are Government aware that on the 17th March, 1932, the question of the sale of insanitary and unwholesome foodstuffs at Railway stations generally in the Province of Bihar and Orissa was discussed in the Local Legislative Council, and it was stated on behalf of the Local Government that the attention of the Railway authorities would be drawn to this matter and, if necessary, the matter would be represented to the Government of India ?

(b) Has any such representation on the subject been received : and, if so, what action has been taken, or is proposed to be taken to prevent the sale of bad and insanitary foodstuffs for Indian passengers at Railway Stations, and to raise the standard of catering at such stations ?

Mr. P. R. Rau : No representation has been received from the Government of Bihar and Orissa. The matter is one within the competence of the Railway Administrations concerned to deal with, and their attention has presumably been directed to it by the Local Government.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state if on the other railways also there have been similar complaints and whether the authorities are looking into the matter ?

Mr. P. R. Rau : I have not received any complaints from any other railways.

Mr. Lalchand Navalrai : Is the Honourable Member aware of it himself or is he simply giving an answer without receiving any information ?

Dr. Ziauddin Ahmad : Are Government aware that this complaint is universal in nature and will they be pleased to inquire into the matter, and frame some workable scheme about it ?

Mr. P. R. Rau : I am afraid it is not possible at the present moment to have a full dress inquiry into the question of insanitary and unwholesome food on all railways in India. This is hardly an opportune moment for it.

Mr. Gaya Prasad Singh : Will the Honourable Member taste some of the food provided for Indian passengers before he answers these questions ? (Laughter.)

Mr. B. Das : Is it not a fact that different railway administrations charge very high licensing fees to these foodstuff vendors and therefore they supply unwholesome food to the passengers ?

Mr. P. R. Rau : I do not think that is the case in every railway. I believe in some of the railways these people are allowed to vend food free, or at nominal fees so far as I know.

Mr. B. Das : Will the Honourable Member make it free on all railways so that better foodstuffs may be supplied to the passengers ?

Mr. P. R. Rau : It is a question of the financial position of railways, and at this particular moment I am not prepared to recommend to any railway that they should give up any source of income.

Dr. Ziauddin Ahmad : Is it a fact that these licensees have to pay very high prices for their licence and they realise from passengers in the shape of high prices and bad food ?

Mr. P. R. Rau : If the Honourable Member will bring to my notice any particular instance I shall make inquiries about it.

Mr. Gaya Prasad Singh : Is not the health of the travelling public a matter of more importance than the financial condition of the railways ?

Mr. P. R. Rau : I am not aware that the health of the travelling public has suffered by this practice so far.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say as to why at this particular moment he is not prepared to make any inquiries ?

Mr. P. R. Rau : The reason is obvious. The railways are losing extraordinarily in earnings.

Mr. Gaya Prasad Singh : They will lose still more if you go on like this. (Laughter.)

Mr. P. R. Rau : That is a matter of opinion.

LINKING UP OF JAMMU AND SRINAGAR WITH LAHORE AND RAWALPINDI, RESPECTIVELY, BY AEROPLANE SERVICE.

15. ***Mr. Gaya Prasad Singh :** Are Government aware of any proposal for the linking up of Jammu and Srinagar (Kashmir) with Lahore and Rawalpindi, respectively, by aeroplane service ? If so, to whom is the contract going to be given, when is the service likely to begin, and what are the terms of the contract ?

The Honourable Sir Frank Noyce : Government have not yet received any such proposal.

AIR SERVICE BETWEEN KARACHI *viâ* BOMBAY TO MADRAS.

16. ***Mr. Gaya Prasad Singh :** When is the air service between Karachi *viâ* Bombay to Madras likely to start, to whom is the contract going to be given, and what are its terms ?

The Honourable Sir Frank Noyce : The air mail service between Karachi and Madras will commence operation on the 15th of October.

An agreement has been concluded with Messrs. Tata Sons, Limited, for the operation by that firm for a period of ten years of a weekly air mail service in both directions to connect at Karachi with the London-Karachi air service. The service will be operated with stops at Ahmedabad, Bombay and Bellary. Both internal and foreign mails will be carried to and from all stopping places on the route. Government have undertaken to hand to the company for carriage on this service all air mail which may be offered during the period of the contract.

Mr. Gaya Prasad Singh : Has any condition been made in the contract for the provision of a majority of Indian Directors and for the employment of competent Indians ?

The Honourable Sir Frank Noyce : The contract is with Messrs. Tata Sons, Limited, who, I imagine, have a majority of Indian Directors.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state if this contract was given by some tender or by public auction ?

The Honourable Sir Frank Noyce : I must ask for notice of that question.

DEVELOPMENT OF AIR SERVICE IN INDIA.

17. ***Mr. Gaya Prasad Singh :** Will Government kindly state if there are any other projects for the development of air service in India ? If so, what are they, and what are their terms ; and when are they likely to come into existence ?

The Honourable Sir Frank Noyce : The Government of India have considered at different times various possible extensions of air services in India ; but apart from the scheme for a service from Karachi to Madras, there is no project for which terms have yet been settled, and I am unable to say when any extension is likely to take place.

LINKING UP BY TELEPHONE OF VARIOUS PROVINCIAL CAPITALS WITH DELHI AND SIMLA AND OF DELHI AND LONDON.

18. ***Mr. Gaya Prasad Singh :** Are there any proposals for the linking by telephone of the various provincial capitals with Delhi and Simla ; and the linking up of Delhi and London by telephone ? If so, will Government make a statement on the subject giving necessary details, and the approximate amount of cost involved ?

Mr. T. Ryan : There are no proposals under consideration specifically for connecting the various provincial Capitals with Delhi and Simla except in so far as such inter-communication may be provided as part of the ordinary development of the trunk telephone system in India which

is receiving constant attention. Apart from expenditure on minor works, particulars will be found of all proposals for improving or extending the trunk system in each year's budget. I may draw the attention of the Honourable Member in this connexion to the provision in the Budget for 1932-33 under the head 56-I (a) Capital Outlay on Indian Posts and Telegraphs Department for the year 1932-33 Detailed Account No. II (b) Telegraph and Trunk Telephone lines and wires.

2. It is not proposed directly to link up Delhi and London by telephone. The Indian Radio and Cable Communications Company is installing equipment necessary to enable wireless telephone communication to be established between India and England and it is contemplated that this equipment will be used in conjunction with the inland trunk service.

3. The Government of India are not in possession of the details of expenditure which will be borne by the Company. There will be a comparatively small expenditure by the Indian Posts and Telegraphs Department in linking up the telephone trunk system in India with the external wireless circuits, provision for which will be made in next year's budget.

PART ALLEGED TO BE PLAYED BY THE EUROPEAN ASSOCIATION IN THE PROMULGATION OF THE ORDINANCES.

19. ***Mr. Gaya Prasad Singh :** (a) Did Government receive any letter about October or November, 1931, from the European Association, Bombay Branch, directly, or through the Government of Bombay, on the subject of the steps to be taken in the case of the revival of civil disobedience by the Congress, and the "exact interpretation of the clause in the Irwin-Gandhi Agreement, relating to picketing" ? If so, are Government prepared to place a copy of it on the table, together with their reply, if any ?

(b) Is it a fact that a good many suggestions embodied in that letter of the European Association have been incorporated in some of the Ordinances subsequently promulgated to meet the political situation ?

(c) Is it not a fact that the European Association, in the course of their letter, recorded that "it cannot be too strongly urged upon Government that if the revolutionary movement again gets under way, their action must be prompt, vigorous, and even ruthless. Congress must not be given time for the full mobilisation of its undoubtedly powerful forces" ?

(d) Is it not a fact that the European Association suggested :

- (i) "that immediately civil disobedience was declared, Congress should be declared an illegal body, and Congress property, and property used for Congress purposes, should be confiscated, and at once sold or destroyed ;
- (ii) "that flying of the Congress flag, and all kinds of ceremonials connected therewith should immediately be forbidden ;
- (iii) "that all those who are known to have been responsible for the organisation, or financing of the last civil disobedience movement should be at once brought under control, and, if necessary, put under restraint. It is suggested, in fact, that they should be treated in the same fashion as enemy subjects interned during the War ;

- (iv) " that steps should be taken to stop Congress funds at source, accompanied, if necessary, by an Ordinance compelling the production of banking accounts ; and
- (v) " that textile mills, or other commercial undertakings which have signed agreements with Congress while that body had not been proscribed as illegal, should be required immediately to withdraw adherence to any compact with Congress, on pain of being denied rail transit for their goods ? "

The Honourable Mr. H. G. Haig : (a). (c) and (d). An extract from a letter from the Association was received by the Government of India in December 1931. It is not proposed to place a copy on the table. No reply was sent.

(b) The letter was not seen until after the Ordinances were in their final form.

Sir Cowasji Jehangir : Is that meant to be a compliment to the Association ?

The Honourable Mr. H. G. Haig : It is meant to suggest, Sir, that the Government intend to pursue their own policy.

Mr. K. C. Neogy : Was it a case of mental telepathy, that is to say, the members of the Association were thinking in the same way as the Government were thinking ?

70490

The Honourable Mr. H. G. Haig : There are no doubt, Sir, at any particular time general ideas in the air.

MESSAGE ON PRESENT POLITICAL SITUATION IN INDIA BY DR. RABINDRA NATH TAGORE AND OTHERS TO MAHATMA GANDHI IN JAIL.

20. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that a message on the present political situation in India, and the appeal for a gesture of goodwill on both sides, issued by Dr. Rabindra Nath Tagore, and supported by the Archbishop of York, the Master of Balliol, Prof. Gilbert Murray, and Sir Francis Younghusband, in the columns of the *Times*, was allowed by Government to be forwarded to Mahatma Gandhi in jail about March, 1932 ?

(b) If so, what was the reply, if any, of Mahatma Gandhi to this appeal ?

The Honourable Mr. H. G. Haig : (a) A message from Dr. Tagore which has subsequently been published in the Press and commented on by the Archbishop of York and others was transmitted to Mr. Gandhi last April.

(b) Mr. Gandhi's reply was also published in the Press.

DELAY IN THE DELIVERY OF A POSTCARD FROM BENARES TO DELHI.

21. ***Mr. Gaya Prasad Singh :** Are Government aware that a post-card bearing the Benares postmark of 2nd August, 1924, has taken as many as seven years and ten months to reach the addressee in Delhi, and was delivered in the *Hindustan Times* office (Post Box 78, Delhi) on the 16th

May, 1932, and bearing the Delhi postmark of the same date ? Has any enquiry been made as to the cause of this delay in the journey of the post-card from Benares to Delhi ?

Mr. T. Ryan : No. It appears, however, that a postcard which had been posted at Benares on the 2nd of August, 1924 and which was delivered to the addressee at Delhi a couple of days later was *re-posted* at the Paharganj sub-post office (Delhi) on the 15th May 1932 and was delivered for the second time on the 16th May 1932. No complaint was received on the subject nor does there appear to be ground for any.

Mr. Lalchand Navalrai : Can the Honourable Member tell us where the letter was in the meantime ?

Mr. T. Ryan : I presume, Sir, that it was in possession of the addressee or possibly it was lying about in his abode.

Mr. Gaya Prasad Singh : Was it lying in a corner of the postbox ? (Laughter.)

BENGAL DETENUS IN THE DEOLI DETENTION CAMP AND IN BENGAL.

22. ***Mr. Gaya Prasad Singh :** (a) Will Government kindly give the total number and names of the Bengal detenus, who have been transferred to Deoli (Ajmer-Merwara) up to date ; and how many, and who are still confined in Bengal ?

(b) What specific arrangements have been made in Deoli to reproduce as far as practicable the conditions obtaining in Bengal, with regard to food and other matters ?

(c) Have any complaints been made by any of the detenus in Deoli ? If so, what ; and what steps have been taken to remedy them ?

The Honourable Mr. H. G. Haig : (a) The total number of detenus confined in the Deoli Camp Jail is 92 and in jails and detention camps in Bengal 905. It would not be in the public interest to give their names.

(b) Care is taken to ensure that as far as possible the detenus get the diet to which they are accustomed in Bengal. Arrangements are made for a supply of fish and of such vegetables and fruits as are procurable. The scale of the diet is not rigid and the wishes of the detenus are taken into account provided the cost is within the daily allowance. Adequate facilities for games are provided. Detenus are permitted to wear their own clothing and to purchase such articles of clothing, etc., as they may require from their monthly allowance.

(c) Yes, I regret I cannot detail all the representations made by the detenus, but action is taken to remedy any complaint found to be justifiable and reasonable.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state if these detenus are allowed visits from persons coming from Bengal ?

The Honourable Mr. H. G. Haig : They are allowed visits, Sir, in accordance with certain rules.

Mr. K. C. Neogy : Will the Honourable Member be pleased to state the principles on which detenus are selected for the privilege of being transferred to Deoli ?

The Honourable Mr. H. G. Haig : That is a matter which is arranged direct between the Government of India and the Bengal Government.

Mr. K. C. Neogy : Will the Honourable Member be pleased to indicate the nature of the division of authority and responsibility in regard to the administration of the Deoli detention camp as between the Government of India and the Bengal Government ?

The Honourable Mr. H. G. Haig : The position, Sir, is that the administration of the camp is under the Chief Commissioner of Ajmer, in whose territory the camp is situated ; the cost of the camp is borne by the Government of Bengal.

Mr. B. Das : May I inquire if electric fans have been provided in this camp as was promised by the Honourable Member's predecessor in office ?

The Honourable Mr. H. G. Haig : *Punkhas* or Fans have been provided, but electric fans have not been provided. I think I shall be dealing with that matter in reply to a subsequent question.

Mr. K. C. Neogy : Have Visiting Committees been appointed ?

The Honourable Mr. H. G. Haig : Yes, Sir ; again I think there is a question to this effect.

Mr. B. R. Puri : What is the cost of the daily allowance of these detenus ?

The Honourable Mr. H. G. Haig : I am afraid I should require notice of that ; but again my impression is that that is the subject of a subsequent question.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state if these *punkhas* have to be pulled by the detenus themselves or there are coolies employed for the purpose ?

The Honourable Mr. H. G. Haig : I have no doubt that the *punkhas* are pulled by *punkha* coolies.

PRIVATE AEROPLANES IN INDIA.

23. ***Mr. Gaya Prasad Singh :** (a) Will Government kindly make a statement showing the names of those who possess private aeroplanes in India ?

(b) Have they to pay any licence or other fee ? If so, how much ?

The Honourable Sir Frank Noyce : (a) A statement is placed on the table giving the names of private owners of aircraft. This excludes aircraft owned by aircraft operating companies and Flying Clubs.

(b) All aircraft in India, except those which are validly registered in any other State, are required to be registered in India. A fee of Rs. 20 is charged for registration.

Under the Indian Aircraft Rules, 1920, it is not necessary for a private aircraft, that is, a machine not intended to be used for public transport for hire or reward, to be certified as airworthy but should its owner desire to have it so certified a fee of Rs. 50 is levied for the grant of the certificate, which is normally issued for a period of 12 months. A fee of Rs. 50 is charged for each renewal.

Statement giving the names of private owners of aircraft in India as on the 15th August, 1932.

	Private Aircraft.	Aircraft certi- fied as air- worthy.
1. Mr. P. M. Kabali, Bombay	1	..
2. M. R. Ry. S. A. A. Annamalai Chettiyar, Kanadukathan, Ramnad District, Madras	1	..
3. Mr. Lakhmichand Isardas, Karachi ..	1	1
4. Mr. B. D. Mookerjee, Barranagar ..	1	..
5. Mr. E. A. Alton, Junagadh	1	..
6. Maharajah Kumar Shree Madanashinghi Idar State, Himatnagar	1	..
7. Mr. Gajanand Goenka, Dum Dum ..	1	..
8. Mr. Y. C. Ray, Calcutta	2	..
9. Khan Bahadur D. N. Bhiwandiwalla, Bombay	2	1
10. Mr. M. H. Irani, Karachi	1	..
11. Mr. B. K. Das, Howrah	1	..
12. Messrs. Coromandel Automobiles, Madras ..	1	..
13. Messrs. Andra Aviation Co., Bezwada ..	2	..
14. Captain D. H. Williams, Jandola	1	..
15. Mr. A. R. Nizami, Rangoon	2	..
16. His Highness the Maharajahdiraj of Patiala	1	..
17. Dr. A. M. Leake, Calcutta	1	..
18. Mr. M. D. Mehta, Ahmedabad	1	..
19. Tahavar O Jaladat Dastagaha Sri Raja Sreemannarayana Appa Rao Bahadur, Zamindar of Gollapalle, Kistna District	1	..
20. Dr. S. Rangachari, Madras .. ..	..	1
21. Mr. R. E. Grant Govan, Delhi .. ..	..	1
22. Mr. Raja I. V. Krishna Rao, Madras ..	..	1
23. Mr. Ramasamy Seshasayee, Madras ..	..	1
24. Mr. M. F. Thomas, Calcutta .. ..	..	1
25. Messrs. Gopaldas and Rup Chand, Lahore	..	1
26. H. H. Sir Mahabat Khanji, G.C.I.E., K.C.S.I., The Nawab Sahib of Junagadh State, Kathiawar .. ..	..	1
27. Mr. M. H. Gazdar, Andheri, Bombay ..	..	1
Total ..	23	+ 10=33

FLYING CLUBS IN INDIA.

24. ***Mr. Gaya Prasad Singh :** Will Government kindly state what facilities and other assistance, if any, they are prepared to offer to encourage the formation of flying clubs in this country ?

The Honourable Sir Frank Noyce : Owing to the present financial stringency Government are not in a position to give an undertaking with regard to the grant of financial assistance to newly formed flying clubs. They have, however, in the past afforded the following facilities to each of the clubs at Karachi, Delhi, Calcutta, Bombay, Madras and Lahore :

Two D. K. Moth aeroplanes and a spare engine, an annual maintenance grant of Rs. 20,000, a grant towards the provision of a hangar, and a bonus of Rs. 150 per pilot for a limited number of pilots per annum trained by the clubs.

The annual maintenance grant and the bonus per pilot trained by the clubs have been reduced to Rs. 17,000 and Rs. 100, respectively, with effect from the 1st April 1932 ; the Government of India have however decided not to grant any subsidy to the Punjab Flying Club Limited from that date..

Mr. Gaya Prasad Singh : Why have they decided not to give any assistance to the Punjab Flying Club ?

The Honourable Sir Frank Noyce : Because they are not satisfied with the management of the Club.

Mr. Gaya Prasad Singh : Is it a fact that in the Punjab Flying Club the Government insisted upon control being placed in the hands of Europeans and that the Club authorities did not agree to it ? Is that one of the reasons ?

The Honourable Sir Frank Noyce : No, Sir.

Dr. Ziauddin Ahmad : Are Government contemplating to hand over one of the machines purchased by them to the Delhi Flying Club ?

The Honourable Sir Frank Noyce : I must ask for notice of that question. I think it is hardly relevant to the present question.

APPOINTMENT BY THE GOVERNMENT OF INDIA OF AN AGENT IN FIJI TO EXAMINE AND REPORT ON QUESTIONS OF INTEREST TO INDIA.

25. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that the Colonies Committee appointed in 1924 by Government recommended the " immediate appointment by the Government of India of an Agent in Fiji ", under the terms of section 7 of the Indian Emigration Act VII of 1922 ; and that the Government of India supported this view, and made representations through the India Office to the Colonial Office, but the Secretary of State for the Colonies did not agree to it, and intimated that the Fiji Government would agree instead to appoint " a senior officer to take charge of Indian affairs with a seat in the Legislative Council " (*vide Fiji Royal Gazette*, No. 13, March 11th, 1927) ?

(b) Is it a fact that in connection with the above, when the Government of India pressed the point further, the Secretary of State for the Colonies, writing on the 5th March, 1926, offered no objection to occasional

visits to Fiji of authorized representatives of the Government of India to examine and report upon questions of interest to India ?

(c) How many such representatives have visited Fiji, what are their names ; and will Government kindly place a copy of their reports in the Library ?

Mr. G. S. Bajpai : (a) and (b). Yes, Sir.

(c) No such representatives have so far visited Fiji.

Mr. Gaya Prasad Singh : But why have no representatives visited Fiji so far ?

Mr. G. S. Bajpai : That is simply because no specific issue of sufficient importance has arisen to justify a special visit.

HANDING OVER OF AN INDIAN GIRL BY THE CHIEF JUSTICE OF THE SUPREME COURT OF FIJI TO THE METHODIST MISSION.

26. ***Mr. Gaya Prasad Singh :** (a) Are Government aware that the Chief Justice of the Supreme Court of Fiji heard argument, concerning the disposal of an Indian Hindu girl, named Bajantry (18½ years old), who was the subject of a *Habeas Corpus* application ; and that the Judge, instead of handing the girl over to her mother, Ramdulari, who was a party in the case, ordered the girl to be handed over to the Methodist Mission for two years (*vide* the *Fiji Times* and the *Herald*, dated the 10th November, 13th November and 1st December, 1931) ?

(b) Do Government propose to enquire into the matter, and make a statement, specially indicating why the girl was not handed over to her mother, instead of being sent to the Christian Mission at her tender age ?

(c) Is there any one in Fiji on behalf of the Government of India to look after the interests of Indians ? If so, who ; and what steps did he take in this matter ?

Mr. G. S. Bajpai : (a) Yes.

(b) The Chief Justice has stated in his judgment, which is reported in the issue of the *Fiji Times* and the *Herald*, dated the 1st December, 1931, that the mother wished the girl to be sent to the Mission School at Dilkusha, and her counsel also urged strongly that this should be done. No inquiry, therefore, appears to be necessary.

(c) The answer to the first part of the question is in the negative. In this connection, I would invite the Honourable Member's attention to the reply given to parts (f) and (g) of his question No. 634 asked on the 22nd September, 1931. Part 2 of the question does not arise.

Mr. Gaya Prasad Singh : Is it a fact, Sir, that the mother of the girl put in an application before the court claiming the custody of her daughter ?

Mr. G. S. Bajpai : It is perfectly true, Sir ; but I am relying upon the authority of the judgment of the court in making the statement that subsequently both the mother and her advocate urged that the girl should be put in the custody of the Mission. She evidently changed her mind.

Mr. Lalchand Navalrai : Does the Honourable Member know that the consent of the girl was no consent at all and therefore her desire should not have been considered at all ?

Mr. G. S. Bajpai : I hope, Sir, that the Chief Justice of Fiji has sufficient knowledge of the law to understand that the views of a minor are not binding ; but the point is that it was the mother who agreed to her daughter being sent to the Dilkusha School, and thus the girl's consent does not come in in the matter at all.

SUPPLY OF DAILY ENGLISH NEWSPAPERS AND ARTICLES OF FOOD TO DETENUS IN DEOLI.

27. ***Mr. Gaya Prasad Singh :** (a) What daily newspapers in English are being provided to the detenues in Deoli (Ajmer-Merwara) ?

(b) What are the articles of food that are given to them ; and what recreations, if any, have been provided ?

The Honourable Mr. H. G. Haig : (a) The Honourable Member's attention is invited to the rules published by the Chief Commissioner, Ajmer-Merwara in the *Gazette of India*, dated the 14th May, 1932.

(b) The Honourable Member is referred to the answer I have given to part (b) of his question No. 22.

Mr. K. C. Neogy : Is the list of newspapers too long to enable the 1 P.M. Honourable Member to repeat their names ?

The Honourable Mr. H. G. Haig : My impression was that it was rather a long list and it would be unduly taking the time of the House to repeat the names.

PUBLIC SERVICE COMMISSION EXAMINATION FOR THE RECRUITMENT OF CLERKS AND TYPISTS FOR THE IMPERIAL SECRETARIAT AND ATTACHED OFFICES.

28. ***Mr. Gaya Prasad Singh :** (a) Have the Public Service Commission issued a notice, dated the 19th May, 1932, announcing that an examination will be held in November next to fill vacancies which are expected to occur for clerkships in the typist and routine grade of the Secretariat and Attached Offices before the 30th September, 1933 ?

(b) Why is it notified that " the number of vacancies will be announced later ; but of the total number of vacancies, not less than 27 will be reserved for the following :

(i) For Muslims	6
(ii) For lady clerks	21 "

(c) Will Government please state why no reservation has been made for other minority communities, such as the Sikhs, the domiciled Gurkhas and the Indian Christians, and why reservation has been made for lady clerks ?

(d) If the total number of vacancies is known at the time of issuing the above notice, why is not the number mentioned in it ?

(e) If the total number is not known, on what basis reservations have been made for Muslims and lady clerks ? Is there any special reason for bracketting Muslims and lady clerks alone for preferential treatment ?

(f) Do lady clerks get exactly the same pay, allowances and other facilities as men clerks? What is the difference, if any, in this respect between them?

The Honourable Mr. H. G. Haig : (a) Yes.

(b), (c), (d) and (e). The vacancies already notified for Muslims and lady clerks represent only those which could not be filled at the last examination owing to the requisite number of Muslims and lady clerks having failed to qualify. The total number of vacancies will be notified shortly.

(f) The information is given in a statement which is laid on the table.

STATEMENT.

Division.	Pay during probation or while holding temporary or officiating appointments.		Pay on confirmation.	
	Lady clerks.	Others.	Lady clerks.	Others.
	Rs. Per mensem.	Rs. Per mensem.	Rs. Per mensem.	Rs. Per mensem.
Secretariat Second	100	80	120	100
Army Headquarters .. Second	100	80	120	90
Other Attached Offices .. Second	100	75	120	75
Secretariat and Army Head- quarters. Third	100	75	120	90

Mr. M. Maswood Ahmad : Are Government aware that Muslim and lady clerks are not in sufficient numbers and that they deserve even more according to the population basis?

The Honourable Mr. H. G. Haig : I do not think that the employment of lady clerks is on a population basis.

Mr. K. C. Neogy : With reference to lady clerks, do Government propose to fix a communal percentage for them, as they have done in the case of representation of women in the future Legislatures?

The Honourable Mr. H. G. Haig : So far as I am concerned, it is not my intention, but I would refer the Honourable Member to my Honourable friend Mr. Tottenham who is more closely connected with these matters. (Laughter.)

Mr. K. C. Neogy : Is it not a question of general interest with which the Home Department itself is concerned—the question of preponderance of any particular community in the services of the Government of India?

The Honourable Mr. H. G. Haig : We deal with general questions of recruitment, and so far as the Home Department is concerned, we have not yet recognised lady clerks as a minority community.

Mr. M. Maswood Ahmad : Do Government realise that six is too low for Muslims who are an important minority community in India.

The Honourable Mr. H. G. Haig : I have made it plain in the original answer that six does not necessarily represent the total number of Muslims who are being recruited. It was merely a number based on the fact that at the last examination six vacancies for Muslims were not filled by qualified candidates.

LAND CUSTOMS STATIONS ON THE AFGHAN AND CERTAIN OTHER EXTERNAL FRONTIERS.

29. ***Mr. Gaya Prasad Singh :** (a) Are the Government of India considering the possibility of establishing land customs stations on the Afghan and certain other external frontiers where customs duties are not now levied ?

(b) If so, do Government propose to make a statement on the subject, indicating the points at which such stations are to be established, the class of goods affected, and the amount of duties likely to be realized from such arrangement ?

The Honourable Sir C. P. Ramaswami Aiyar : (a) Yes.

(b) The matter being still under preliminary consideration, the Government of India are unable to make a statement yet.

REPATRIATES FROM MALAYA.

30. ***Mr. Gaya Prasad Singh :** (a) Are Government aware that :

(i) the B. I. S. N. Company's ship *Elephanta* arrived at Negapatam Port on the 22nd May, 1932, and landed about 500 repatriates from Malaya, and that there were about 1,500 bound for Madras ; and

(ii) about seven repatriates died on board during the voyage, and that many were suffering seriously ?

(b) What is the total number of deaths, what were they due to, and what steps have Government taken with regard to the repatriates on their arrival in India ?

Mr. G. S. Bajpai : With your permission, Sir, I shall answer the whole question together. As soon as the Government of India learnt that eight repatriates had died on the British India Steam Navigation Company's steamship "*Elephanta*" during the voyage, while many more were afflicted with various diseases, they called for a report from the Government of Madras. According to the information supplied by that Government, the eight deaths among the repatriates were made up of one case of premature birth, two of tuberculosis, two of heart failure, two of diarrhoea, and one of Bright's disease. Some of the repatriates were found to be weak on account of some disease they were said to have been suffering from prior to their embarkation from Malaya. While the sanitary and other conditions on board ship were reported to have been satisfactory, it was stated that the medical officer in charge of the ship had told the Protector of Emigrants, Madras, that some repatriates, who were weak on account of disease, and some women in an advanced stage of pregnancy had been embarked in spite of his advice to the contrary. This point was referred to the Controller of Labour, Malaya, who has

reported that the ship's Surgeon actually signed a certificate to the effect that all the repatriates taken on board were fit to travel. The Controller has also reported that his Deputy Controller personally boarded the ship before her departure and after the repatriates had been put on board, and that no complaint whatsoever was made to him. The Government of India propose to investigate further the discrepancy between the statement made by the ship's Surgeon to the Protector of Emigrants, Madras, and his reported certification to the Malayan authorities that all the repatriates taken on board were fit to travel. Meanwhile, the Honourable Member may rest assured that every possible care will be taken to avert a recurrence of the unfortunate incident referred to by him.

As regards the Honourable Member's question as to what steps Government have taken with regard to repatriates on their arrival in India, I would invite his attention to rule 51 of the Special Emigration Rules, 1923, a copy of which will be found in the library of the House.

Mr. B. Das : Apart from the certificate of the ship's Surgeon, why did not the Controller of Labour at Malaya himself see to it that pregnant women were not allowed to be repatriated so soon, and why were they not stopped at Malaya till they were better ?

Mr. G. S. Bajpai : I have already stated that, according to the information supplied by the Controller of Labour, Malaya, not he himself but his deputy went on board the ship, accompanied by the local medical officer, and they thought that everybody on board the ship was fit to travel.

Mr. S. G. Jog : Have the Government of India made any enquiries as to why there is a sudden rise in the number of repatriates ?

Mr. G. S. Bajpai : I do not think that needs any special enquiry. The depression in the rubber industry is responsible for it.

Mr. S. G. Jog : Have those seeking repatriation been individually informed of the general depression in India and that their state would be worse after coming to India ?

Mr. G. S. Bajpai : They all come in voluntarily. They know the conditions in India and in Malaya, and it is their choice.

Mr. S. G. Jog : But have they been informed that their position after their return to India will be possibly worse ?

Mr. G. S. Bajpai : I do not really know that their condition after return to India will necessarily be worse.

Mr. Gaya Prasad Singh : Is it not a fact that another batch of repatriates have arrived in India subsequently to the date to which my question relates ?

Mr. G. S. Bajpai : So far as Malaya is concerned, repatriates are coming in from there quite frequently.

CONFISCATION OF PROPERTIES UNDER THE ORDINANCES IN CONNECTION WITH CIVIL DISOBEDIENCE MOVEMENT.

31. ***Mr. Gaya Prasad Singh :** Will Government kindly place on the table a statement showing separately the approximate value of properties, movable and immovable, confiscated under the Ordinance in connection

with the civil disobedience movement in each Province ; and the steps taken to return or otherwise dispose of them ?

What is the approximate value of such properties now lying in the hands of Government ?

The Honourable Mr. H. G. Haig : The information regarding the value of properties could be supplied to the Honourable Member only if a valuation were carried out. This would involve much time and labour, and even then would probably not be accepted by the other party as correct. In the circumstances it would not be justifiable to ask Local Governments to embark on this task.

In regard to the return and disposal of property, I would refer the Honourable Member to the relevant provisions of Ordinance IV of 1932 and Ordinance X of 1932.

As he is no doubt aware, immovable property is not liable to forfeiture.

COMMUNAL RIOT IN ADEN BETWEEN THE JEWS AND THE ARABS.

32. ***Mr. Gaya Prasad Singh :** Will Government kindly state if there was a communal riot between the Jews and the Arabs in Aden in May 1932 ; what is the cause of it ; the number of casualties ; and the steps taken in connection with it ?

Mr. H. A. F. Metcalfe : On the 23rd of May, 1932, a communal riot broke out at Aden between Arabs and Jews. The outbreak was caused by the defilement of a mosque by the alleged throwing of filth into the courtyard from an adjacent Jewish house. In the opinion of the Local Authorities the defilement was accidental and not of deliberate intention. The number of persons injured in the rioting was 61, of whom only 7 were detained in hospital for treatment. They included 23 Jews and 38 Muslims, 11 of the latter being police. There were no deaths. The disturbance was dealt with by the police who were in the final stages reinforced by troops.

REPRESENTATION re TRANSPORT OF WHEAT AND REDUCTION IN FREIGHT.

33. ***Mr. Gaya Prasad Singh :** Have representations been received from wheat merchants of the Punjab, or elsewhere, for the grant of full facilities for transport of wheat, and reduction in freight, in view of the probability of Russia buying a large quantity of wheat from India ? What action, if any, has been taken in the matter, or is proposed to be taken ?

Mr. P. R. Rau : Government have received no representations referring to the possibility of the export of wheat to Russia.

REFUSAL OF PERMISSION TO MAJOR MILNER, M.P., TO SEE MAHATMA GANDHI.

34. ***Mr. Gaya Prasad Singh :** Is it a fact that Major Milner, M.P., a Member of the Franchise Committee, wanted to see Mahatma Gandhi, but he was refused permission ? If so, why ?

The Honourable Mr. H. G. Haig : Yes. Interviews of a political character with Mr. Gandhi are not permitted.

RESTRICTIONS ON KHAN ABDUL GHAFFAR KHAN IN HAZARIBAGH JAIL.

35. ***Mr. Gaya Prasad Singh** : (a) Is it a fact that Khan Abdul Ghaffar Khan is not allowed to mix with other prisoners in the Hazaribagh Jail in Behar, and that when the Deputy Commissioner of Hazaribagh visited the Jail, Khan Abdul Ghaffar Khan enquired why he alone was refused all interviews, and all facilities of receiving and sending letters, the Deputy Commissioner replied that the Khan was not a prisoner of the Behar Government and that the Local Government was only carrying out orders given to them ?

(b) Are Government prepared to place on the table a copy of instructions, if any, which they may have issued regarding the treatment, etc., of Khan Abdul Ghaffar Khan in prison ?

(c) Is it not a fact that Khan Abdul Ghaffar Khan has been arrested under Regulation III of 1818 ? What is the date of his arrest, and how many visitors have been allowed to see him in jail since then ? Where are his brother, Dr. Khan Sahib, and his nephew kept in jail ; and under what law ?

The Honourable Mr. H. G. Haig : (a) and (c). Khan Abdul Ghaffar Khan, his brother, Dr. Khan Sahib and the latter's son, Sadullah Khan, were arrested on the 24th December, 1931, and are detained in jails as State Prisoners under Regulation III of 1818. They are reported to be in good health and have no complaints to make. Their treatment in jail is regulated by rules framed by the Government of India which provide for interviews and the writing of letters. I am not aware of the number of interviews which the prisoners have had. They are each permitted to write three letters a week.

(b) I regret I am not prepared to lay a copy of the rules on the table.

Mr. B. Das : Is the Honourable Member aware that these State Prisoners are not allowed to go into the jail compound, while other political prisoners are allowed to do so ?

The Honourable Mr. H. G. Haig : I understand that at least two of these prisoners are together in the Hazaribagh jail.

Mr. B. Das : Why have they not been allowed to mix with other political prisoners in the same jail.

The Honourable Mr. H. G. Haig : It is a long standing rule, and one which I think is obviously desirable, that State Prisoners should not, as far as possible, be allowed to associate with ordinary prisoners.

Mr. Gaya Prasad Singh : Do I understand the Honourable Member to say that Khan Abdul Ghaffar Khan is confined in the Hazaribagh jail and that his brother is in another jail ?

The Honourable Mr. H. G. Haig : I think two of them are together in the Hazaribagh jail. I am not quite sure which they are.

Mr. Gaya Prasad Singh : Has the attention of the Government been drawn to the Jail Administration Report of the Bihar and Orissa Government for 1931 in which it is stated that two State Prisoners from the North-West Frontier Province are confined in the jails of Bihar, one in Hazaribagh and the other is Gaya.

The Honourable Mr. H. G. Haig : That, Sir, no doubt was the case. That has now been changed.

Mr. S. C. Mitra : In that case, if there is only one State Prisoner, how can he get an associate ?

The Honourable Mr. H. G. Haig : We try as far as possible to see that State Prisoners should not be confined by themselves.

Dr. Ziauddin Ahmad : Do I understand from the Honourable gentleman that Khan Abdul Ghaffar Khan was accorded a differential treatment from the other prisoners convicted of the same offence.

The Honourable Mr. H. G. Haig : He was not convicted, Sir. He was certainly not accorded any differential treatment.

Dr. Ziauddin Ahmad : Is it not a fact that he has been in solitary imprisonment for longer time than any other prisoner convicted of the same offence ? Has there been any other example of this kind ?

The Honourable Mr. H. G. Haig : As I have explained, one at least of these other prisoners is now confined in the same jail with Khan Abdul Ghaffar Khan, precisely to meet the point that he should not be left alone.

Dr. Ziauddin Ahmad : Is Khan Abdul Ghaffar Khan in solitary imprisonment or is there somebody else with him ?

The Honourable Mr. H. G. Haig : He is not in solitary imprisonment. One of these other State Prisoners—I am not sure about the precise name—is with him.

Dr. Ziauddin Ahmad : In the same cell ?

The Honourable Mr. H. G. Haig : In the same jail, yes. I have no doubt he is in close association with him.

Mr. S. C. Mitra : If out of three, two are in one jail, one must be left in Gaya alone, without any association.

The Honourable Mr. H. G. Haig : Will the Honourable Member please put down a question. I cannot carry in my head the exact location of the various State Prisoners.

POSTAL AND TELEGRAPHIC COMMUNICATIONS BETWEEN AFGHANISTAN AND INDIA.

36. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that arrangements have been made in connection with the working of the postal and telegraphic communications between Afghanistan and India in accordance with the provision of the International Convention ; and, if so, what expenditure, if any, will be entailed on Indian revenues ?

(b) Do Government propose to make a short statement on the subject giving necessary details of the arrangements ?

The Honourable Sir Frank Noyce : (a) and (b). Arrangements are in progress whereby the working of the postal and telegraphic communications between Afghanistan and India will be brought into line with the provisions of the International Conventions. It is not possible to say what expenditure will be entailed thereby on Indian revenues, but it is unlikely to be appreciable. It may, however, be stated for the Honourable Member's information that services rendered to a foreign administration are paid for by that administration at international rates.

NEW CAMP JAIL IN DELHI.

37. ***Mr. Gaya Prasad Singh** : Will Government kindly state when the new camp jail in Delhi was opened for occupation of prisoners, and how many prisoners are accommodated there ? What arrangements have been made to protect them from sun and rain ; and what arrangements have been made for adequate water supply and sanitation ?

The Honourable Mr. H. G. Haig : The camp jail was opened for occupation on the 22nd March, 1932. The number of prisoners on the 28th August, 1932, was 183 including 20 convict officials and sweepers. The accommodation consist of huts with thatched roofs, the huts actually in use being provided with 5' walls on two sides to afford protection from sun and rain. An adequate supply of filtered water is provided by means of a specially laid pipe line. Sanitary arrangements include 40 water-borne latrines in the camp and a dry latrine attached to the hospital.

RESTRICTIONS BY DIRECTOR GENERAL OF POSTS AND TELEGRAPHS OVER TRANSMISSION OF CERTAIN ARTICLES BY POST.

38. ***Mr. Gaya Prasad Singh** : (a) Is it a fact that the Director General of Posts and Telegraphs has issued a notice that " no article will be transmitted by post, bearing thereon labels or stamped impressions, or photographs, or writings, (i) conveying any exhortation to " **Boycott of British Goods** ", or any other class of goods, or to carry out any other form of boycott, or (ii) " embodying portraits of any prominent leader of the civil disobedience movement, or containing the words ' *Swatantra Bharat* ' (separate India), or similar words in furtherance of the civil disobedience movement ; and that any such article found in the course of transmission by post will be sent to the Dead Letter Office for disposal " ?

(b) Is not the Posts and Telegraphs Department a commercial institution ? Has the Director General issued this notice on his own initiative ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) The Posts and Telegraphs Department is a public utility department administered as far as possible on commercial principles.

With regard to the second part of the question, the notice referred to was issued to give effect to a rule made by the Governor General in Council under section 21 of the Indian Post Office Act.

Mr. S. G. Jog : Will the Government of India have any objection to the transmission of any article bearing the label " Buy Indian Goods " ?

The Honourable Mr. H. G. Haig : I understand the question relates to " Buy Indian Goods ". The objection taken was to the policy of boycott. The Government have stated their general attitude towards the policy of these Buy Indian Leagues in a letter which was addressed by the Private Secretary to His Excellency the Viceroy to the Western India National Liberal Association, Bombay, and I would refer the Honourable Member to that.

Mr. Gaya Prasad Singh : What is the harm in boycotting British goods, except to Lancashire.

The Honourable Mr. H. G. Haig : It is, Sir, one of the principal weapons on which the Congress rely in support of the civil disobedience movement.

Mr. Gaya Prasad Singh : The Congress relies also on temperance. Is it the policy of Government to encourage drinking.

The Honourable Mr. H. G. Haig : The Congress do not rely, as far as I know, on temperance as a means of attacking the British Government.

Mr. Gaya Prasad Singh : Is 'Buy Indian Goods' not the exclusive policy of the Congress ?

The Honourable Mr. H. G. Haig : I would again refer the Honourable Member to this letter dated the 11th April, 1932. I believe it was published in the Press.

Mr. Gaya Prasad Singh : Many of us have boycotted British goods. Is it an offence ?

The Honourable Mr. H. G. Haig : It is a matter for individual judgment, but I cannot agree with the Honourable Member that he is entitled to use Government agency to support these individual views of his.

Mr. K. C. Neogy : Is it not a fact that the Postal Department has been defacing stamps with a legend to this effect 'Encourage Indian Industries' ?

Mr. T. Ryan : I have no reason to believe that there is any foundation for the suggestion that the exhortation 'Buy Indian Goods' is defaced.

Sir Cowasji Jehangir : That is a complete answer.

Mr. President : The question hour is now over.

UNSTARRED QUESTIONS AND ANSWERS.

RAILWAY ADMINISTRATION IN INDIA.

1. **Khan Bahadur Haji Wajihuddin :** (a) Has the attention of Government been drawn to an article appearing on page 6 of the *Daily Hamdam* newspaper of Lucknow, dated the 10th June, 1932, on the subject of railway administration in India ?

(b) Are the allegations made in it against the European agency of control based on truth and, if so, do Government propose to give a chance to Indians to manage their own affairs as regards the management of Indian Railways ?

Mr. P. R. Rau : (a) Yes.

(b) The allegations referred to in the first part of the question are not founded on facts. As regards the second part of the question, the policy of the Government with regard to increased Indianization on railways has been explained many times and requires no elaboration.

ILL-TREATMENT OF TWO SUBORDINATE RAILWAY OFFICIALS OF THE LUCKNOW DIVISION OF THE EAST INDIAN RAILWAY.

2. **Khan Bahadur Haji Wajihuddin :** Have Government seen the report of ill-treatment of two subordinate railway officials of the Lucknow Division of the East Indian Railway at the hands of their superior officers as given in the *Daily Hamdam* newspaper, dated the 1st

June, 1932, on page 2, column 2? If so, do Government propose to order an inquiry to be made into the case by an independent authority?

Mr. P. R. Rau : The matter is one with which the Agent, East Indian Railway, is competent to deal, and Government do not propose to take any action.

INCREASE IN THE PAY AND PENSIONS OF GOVERNMENT PEONS AND MENIAL STAFF.

3. **Mr. S. C. Mitra :** (a) Will Government be pleased to lay on the table a copy of their decision in the matter of an increase in the pay and pensions of Government peons and menial staff referred to in unstarred question No. 56 answered on the 28th January, 1929?

(b) If Government have not yet reached any decision, how long more will it take and what is the reason for the delay?

The Honourable Sir Alan Parsons : (a) and (b). No decision has yet been reached, nor will it be possible to improve pay and pension conditions of inferior servants until the financial position improves.

INCREASE IN THE SUBSISTENCE ALLOWANCE OF PEONS IN THE TELEGRAPH DEPARTMENT.

4. **Mr. S. C. Mitra :** (a) Will Government be pleased to lay on the table a copy of their decision in the matter of an increase in the subsistence allowance of peons in the Telegraph Department referred to in unstarred question No. 71 answered on 28th January, 1929?

(b) If Government have not yet reached any decision, how long more will it take and what is the reason for the delay?

Mr. T. Ryan : (a) and (b). A copy of the orders in question is attached.

No. E.A.-471/27.

GOVERNMENT OF INDIA.

DEPARTMENT OF INDUSTRIES AND LABOUR.

(POSTS AND TELEGRAPHS BRANCH.)

Simla, the 14th April, 1930.

FROM

T. RYAN, ESQ., C.I.E.,
Joint Secretary to the Government of India,

TO

The Director-General of Posts and Telegraphs,
New Delhi.

SUBJECT :—*Revision of subsistence allowance of task-work messengers.*

SIR,

I am directed to say that the Government of India sanction, with effect from the 1st April, 1930, the conversion into an incremental time-scale of the existing fixed rates of subsistence allowance of telegraph messengers of departmental telegraph

offices and combined post and telegraph offices. The minimum of the revised scale at each station will be the subsistence allowance now fixed for that station while the maximum of the new scale will be fixed at Rs. 5 above that minimum, the annual rate of increment being annas four.

2. The initial pay of the task-work Telegraph messengers when brought on to the new scale will be annas four in excess of their present subsistence allowances.

3. A list of departmental or combined offices, where the task-work system of delivery of messages has been in force, and the revised scales of subsistence allowance that are to be introduced in those offices, are shown in the attached statement. In future when the task-work system is introduced in any new station under the provision of paragraph 190 of Posts and Telegraphs Manual of Appointments and Allowances, the Head of the Circle concerned is authorised to appoint task-work messengers at that station on a time-scale subsistence allowance equal to that sanctioned in this letter for any other station in that Circle where, in his opinion, the cost of living is approximately the same.

I have the honour to be,

Sir,

Your most obedient servant,

T. RYAN,

Joint Secretary to the Government of India.

No. E.A.-471|27.

A copy is forwarded to the Accountant-General, Posts and Telegraphs, Delhi, for information.

M. R. COBURN,

Financial Adviser, Posts and Telegraphs.

SIMLA,

The 14th April, 1930.

No. E.A.-471|27.

A copy is forwarded to all Postmasters-General and the Director of Posts and Telegraphs, Sind and Baluchistan Circle, Karachi. The time-scale of pay sanctioned in the locality for postal clerks should ordinarily be accepted as the criterion of the cost of living in that locality.

J. R. T. BOOTH,

Deputy Director-General.

SIMLA,

The 14th April, 1930.

STATEMENT.

Bengal and Assam Circle.

Calcutta	..	..	..	..	Rs. 10—0-4-0—15
Darjeeling	..	..	..	..	Rs. 9—0-4-0—14
Shillong	..	..	..	..	Rs. 9—0-4-0—14
Dacca	..	..	..	..	Rs. 9—0-4-0—14
Chittagong	..	..	..	..	Rs. 9—0-4-0—14

Bihar and Orissa Circle.

Patna	..	..	..	..	Rs. 8—0-4-0—13
<i>Bombay Circle.</i>					
Ahmedabad	..	..	..	..	Rs. 10—0-4-0—15
Belgaum	..	..	..	..	Rs. 10—0-4-0—15
Bhavnagar	..	..	..	..	Rs. 10—0-4-0—15
Bombay	..	..	..	..	Rs. 12—0-4-0—17
Bombay Kalvadevi	..	..	..	..	Rs. 12—0-4-0—17
Poona	..	..	..	..	Rs. 10—0-4-0—15
Rajkot	..	..	..	..	Rs. 10—0-4-0—15
Surat	..	..	..	..	Rs. 10—0-4-0—15
Umarkhedi	..	..	..	..	Rs. 12—0-4-0—17
Ahmedabad Railwaypura	..	..	..	..	Rs. 10—0-4-0—15
Cutch Mandvi	..	..	..	..	Rs. 10—0-4-0—15

Burma Circle.

Akyab	..	..	..	..	Rs. 11—0-4-0—16
Bassein	..	..	..	..	Rs. 11—0-4-0—16
Mandalay	..	..	..	..	Rs. 11—0-4-0—16
Maymyo	..	..	..	..	Rs. 11—0-4-0—16
Moulmein	..	..	..	..	Rs. 11—0-4-0—16
Rangoon	..	..	..	..	Rs. 11—0-4-0—16
East Rangoon	..	..	..	..	Rs. 11—0-4-0—16
Rangoon Kemmaidine	..	..	..	..	Rs. 11—0-4-0—16
Rangoon Pazundaung	..	..	..	..	Rs. 11—0-4-0—16
Maubin	..	..	..	..	Rs. 11—0-4-0—16
Pegu	..	..	..	..	Rs. 11—0-4-0—16
Pyapon	..	..	..	..	Rs. 11—0-4-0—16
Penangyaung	..	..	..	..	Rs. 11—0-4-0—16
Yanden	..	..	..	..	Rs. 10—0-4-0—15

Central Circle.

Ajmer	..	..	..	..	Rs. 8—0-4-0—13
Akola	..	..	..	..	Rs. 8—0-4-0—13
Amraoti	..	..	..	..	Rs. 8—0-4-0—13
Indore	..	..	..	..	Rs. 8—0-4-0—13
Jaipur	..	..	..	..	Rs. 8—0-4-0—13
Jubbulpore	..	..	..	..	Rs. 8—0-4-0—13
Nagpur	..	..	..	..	Rs. 8—0-4-0—13
Jodhpur	..	..	..	..	Rs. 8—0-4-0—13
Bikaner	..	..	..	..	Rs. 8—0-4-0—13
Indore City	..	..	..	..	Rs. 8—0-4-0—13

Madras Circle.

Trichinopoly	..	..	..	..	Rs. 9—0-4-0—14
Bellary	..	..	..	..	Rs. 9—0-4-0—14
Negapatam	..	..	..	..	Rs. 9—0-4-0—14
Bezwada	..	..	..	..	Rs. 9—0-4-0—14
Madras	..	..	..	..	Rs. 10—0-4-0—15
Coconada	..	..	..	..	Rs. 9—0-4-0—14
Tuticorin	..	..	..	..	Rs. 9—0-4-0—14
Ootacamund	..	..	..	..	Rs. 9—0-4-0—14
Mangalore	..	..	..	..	Rs. 9—0-4-0—14
Cochin	..	..	..	..	Rs. 9—0-4-0—14
Bangalore	..	..	..	..	Rs. 9—0-4-0—14
Vizagapatam	..	..	..	..	Rs. 9—0-4-0—14
Hyderabad Deccan	..	..	..	..	Rs. 9—0-4-0—14

Madras Circle—contd.

Secunderabad	..	..	..	Rs. 9-0-4-0-14
Calicut	..	..	..	Rs. 9-0-4-0-14
Madura	..	..	..	Rs. 9-0-4-0-14
Mount Road	..	..	..	Rs. 10-0-4-0-15
Bangalore City	..	..	..	Rs. 9-0-4-0-14
Coimbatore	..	..	..	Rs. 9-0-4-0-14

Punjab and North-West Frontier Circle.

Ambala	..	..	..	Rs. 10-0-4-0-15
Amritsar	..	..	..	Rs. 10-0-4-0-15
Bannu	..	..	..	Rs. 10-0-4-0-15
Delhi	..	..	..	Rs. 10-0-4-0-15
Delhi Old Secretariat	..	..	..	Rs. 10-0-4-0-15
D. I. Khan	..	..	..	Rs. 10-0-4-0-15
Kohat	..	..	..	Rs. 10-0-4-0-15
Lahore	..	..	..	Rs. 10-0-4-0-15
Lyallpore	..	..	..	Rs. 9-0-4-0-14
Multan	..	..	..	Rs. 9-0-4-0-14
New Delhi	..	..	..	Rs. 10-0-4-0-15
Peshawar	..	..	..	Rs. 10-0-4-0-15
Rawalpindi	..	..	..	Rs. 10-0-4-0-15
Simla	..	..	..	Rs. 10-0-4-0-15
Srinagar	..	..	..	Rs. 9-0-4-0-14
Jullundur city	..	..	..	Rs. 9-0-4-0-14
Multan city	..	..	..	Rs. 9-0-4-0-14

United Provinces Circle.

Agra	..	..	..	Rs. 8-0-4-0-13
Allahabad	..	..	..	Rs. 8-0-4-0-13
Bareilly	..	..	..	Rs. 8-0-4-0-13
Cawnpore	..	..	..	Rs. 8-0-4-0-13
Dehra Dun	..	..	..	Rs. 8-0-4-0-13
Fyzabad	..	..	..	Rs. 8-0-4-0-13
Gorakhpur	..	..	..	Rs. 8-0-4-0-13
Lucknow	..	..	..	Rs. 8-0-4-0-13
Mussooree	..	..	..	Rs. 8-0-4-0-13
Naini Tal	..	..	..	Rs. 8-0-4-0-13
Meerut	..	..	..	Rs. 8-0-4-0-13
Bisheshwarganj (Benares)	..	..	..	Rs. 8-0-4-0-13

Sind and Baluchistan Circle.

Karachi	..	..	..	Rs. 12-0-4-0-17
Quetta	..	..	..	Rs. 11-0-4-0-16
Hyderabad Sind	..	..	..	Rs. 10-0-4-0-15
Sukkur Barrage	..	..	..	Rs. 10-0-4-0-15
Shikarpur Sind	..	..	..	Rs. 10-0-4-0-15
Shikarpur City	..	..	..	Rs. 10-0-4-0-15

AMELIORATION OF LEAVE AND PENSION TERMS OF INFERIOR SERVANTS OF THE GOVERNMENT OF INDIA.

5. **Mr. S. C. Mitra :** (a) Will Government be pleased to lay on the table a copy of their decision in the matter of the amelioration of leave and pension terms of inferior servants of the Government of India referred to in unstarred question No. 86 answered on the 28th January, 1929 ?

(b) If Government have not yet reached any decision, how long more will it take and what is the reason for the delay ?

The Honourable Sir Alan Parsons : Both with regard to leave and pensions no decision has been reached, nor will it be possible to improve leave and pension conditions of inferior servants until the financial position improves.

RECRUITMENT TO THE CENTRAL SERVICES.

6. **Mr. S. C. Mitra :** (a) Will Government be pleased to lay on the table a copy of their decision in the matter of the recruitment to the Central Services referred to in unstarred question No. 94 answered on the 28th January, 1929 ?

(b) If Government have not yet reached any decision, how long more will it take and what is the reason for the delay ?

The Honourable Mr. H. G. Haig : (a) and (b). Rules making a formal delegation of power were published in part I of the Gazette of India of the 21st June, 1930, with the Home Department Notification No. F. 9/3/30-Establishments, dated the 19th June, 1930. A copy will be found in the Library of the House.

REGISTRATION OF ASSOCIATIONS OF GOVERNMENT SERVANTS UNDER THE TRADES UNION ACT.

7. **Mr. S. C. Mitra :** (a) Will Government be pleased to lay on the table a copy of their decision in the matter of the registration of associations of Government servants under the Trade Union Act referred to in unstarred question No. 150 answered on the 28th January, 1929 ?

(b) If Government have not yet reached any decision, how long more will it take and what is the reason for the delay ?

The Honourable Mr. H. G. Haig : (a) and (b). The question regarding the registration of associations of Government servants under the Indian Trade Unions Act, 1926, has not yet been finally decided. Government anticipate that they will soon be in a position to address the Secretary of State, whose sanction is required in regard to the services under his control.

EXTRA PAY OF POSTAL OFFICIALS FOR WORKING ON SUNDAYS AND HOLIDAYS.

8. **Mr. S. C. Mitra :** (a) Will Government be pleased to lay on the table a copy of their decision in the matter of the grant of extra pay to postal officials for working on Sundays and holidays referred to in unstarred question No. 32 answered on the 2nd September, 1929 ?

(b) If Government have not yet reached any decision, how long more will it take and what is the reason for the delay ?

The Honourable Sir Frank Noyce : The Honourable Member's attention is invited to the reply given in this House to Khan Bahadur Sarfaraz Hussain Khan's unstarred question No. 12 on the 14th July, 1930. With reference to the concluding portion of that reply, instructions to Heads of Postal Circles were issued by the Director General in a memorandum, dated the 10th March, 1931, a copy of which is attached.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

MEMORANDUM No. 244-Est. B.30.

New Delhi, the 10th March, 1931.

With reference to your reply to this office letter No. 922-Est. A.29, dated the 18th March, 1930, the undersigned is directed to invite a reference to the reply given by the Honourable Sir Joseph Bhore to Khan Bahadur Sarfaraz Hussain Khan's unstarred question No. 12 in the Legislative Assembly on the 14th July, 1930, a copy of which was forwarded to you with this office endorsement No. 257-Est. B.30, dated the 6th August, 1930, and to say that the whole question of work in post offices on Sundays and Post Office holidays has been carefully investigated by the Director General in consultation with the Government of India, Department of Industries and Labour.

2. The following is a summary of the conclusions reached :

(a) Although work on Sundays and Post Office holidays is definitely recognised as a condition of service in the Postal Department and pay has consequently been fixed on a scale more liberal than in similar Departments of the Provincial Governments and (b) the number of days for which casual leave may be granted to the Postal staff has been increased from 12 to 20 days a year in recognition of the disabilities referred to above, it is nevertheless desirable that every Government servant should have his Sundays and Post Office holidays free, if this can be arranged without any serious inconvenience to the Public and without the imposition of any additional burden on the tax-payer.

3. The Government of India have therefore decided that such re-arrangements of work as are possible should be made to give effect to the intention to grant a reasonable measure of relief provided that :

- (a) no extra staff is engaged ;
- (b) no expenditure is incurred on overtime ;
- (c) the public facilities are not materially curtailed ;
- (d) no commitment is made with regard to the number of hours duty to be performed in a week.

4. To give effect to the above decisions the following measures are suggested as a rough guide :

- (i) In single-handed offices it would not be possible without considerable expense to arrange for holidays on Sundays and Post Office holidays. Moreover, in such offices the work is usually of a light description. In an office where there are two clerical hands it should be easy to arrange that each should get an alternate Sunday off. In an office where there are three hands each should get two Sundays out of three off and so on. The same should apply to Lower Grade staff.
- (ii) In large offices the Presidency Postmaster or Postmaster should arrange for rotation of duties not only, for example, among the mail and delivery Departments but among the whole office so that Sunday work may be distributed as widely as possible. Menials in such offices should not be kept in water-tight compartments but should be pooled and given holidays in rotation.
- (iii) Strict orders should be issued to ensure that on Sundays and Post Office holidays no work is done which is not permissible under the Manual Rules.

5. The position of each office should be reviewed in the light of the above remarks and necessary instructions may kindly be issued to all officers concerned to give effect to the above decisions.

C. F. G. CLERIOI,

Senior Deputy Director General.

To

All Postmasters-General, and Director,
Posts and Telegraphs, Sind & Baluchistan.

CONSTRUCTION OF UNORTHODOX QUARTERS FOR JUNIOR CLERKS IN SIMLA AND NEW DELHI.

9. **Mr. S. C. Mitra :** (a) Will Government be pleased to lay on the table a copy of their decision in the matter of the construction of unorthodox quarters for junior clerks in Simla and New Delhi referred to in starred question No. 884, answered on the 25th September, 1929 ?

(b) If Government have not yet reached any decision, how long more will it take and what is the reason for the delay ?

The Honourable Sir Frank Noyce : (a) and (b). In view of the existing financial stringency, nothing can be done in the direction of constructing any additional quarters for clerks in Delhi or Simla at present.

CLERKS' QUARTERS IN NEW DELHI.

10. **Mr. S. C. Mitra :** Will Government be pleased to lay on the table copies of the statements referred to in the reply to starred question No. 900, dated the 25th September, 1929, regarding clerks' quarters in New Delhi ; if not, why not ?

The Honourable Sir Frank Noyce : The statements referred to were duly furnished to the Honourable Member and copies thereof were also placed in the Library of the Central Legislature. No spare copies are available and the Honourable Member will perhaps agree with me that after so long an interval it is not necessary to incur the expense of reprinting the statements which are very lengthy or the labour of typing them in order to lay a copy on the table of the House.

APPOINTMENT OF ASSISTANT DIRECTORS GENERAL AND ASSISTANT DEPUTY DIRECTORS GENERAL OF POSTS AND TELEGRAPHS ON THE RECOMMENDATION OF THE PUBLIC SERVICE COMMISSION.

11. **Mr. S. C. Mitra :** (a) Will Government be pleased to state if any post of Assistant Director General or Assistant Deputy Director General in the office of the Director General of Posts and Telegraphs has ever been filled on the recommendation of the Public Service Commission ? If so, when and who was recommended ?

(b) Was the Public Service Commission ever asked to recommend candidates for these appointments ? If so, will Government be pleased to lay on the table a copy of that particular communication ? If not, why not ?

(c) If the Public Service Commission has not been addressed on any occasion in the matter referred to at (a) above, will Government be pleased to justify the statement given in the reply to the last supplementary question on starred question No. 986, dated the 11th March, 1929 ?

The Honourable Sir Frank Noyce : (a) and (b). Appointments to the posts of Assistant Directors General have been invariably made on the advice of the Public Service Commission in accordance with rule 6 of the Public Service Commission (Functions) Rules of 1926 since the publication of these rules in Home Department Notification No. F. 178/14/24, dated Simla, the 14th October, 1926. Since 1927-1928 the following

officers were recommended by the Commission for permanent promotion to the grade of Assistant Directors General :

For vacancies in

(1) Rai Bahadur P. N. Mukerji,	}	1927-28.
(2) Rai Bahadur A. N. Roy,		
(3) Mr. J. S. Nelson,		
(4) Mr. W. G. King,		
(5) Rai Sahib C. D. Pande,	}	1928-29.
(6) Mr. S. B. Sinha,		
(7) Lieut.-Colonel S. C. Sinclair		1929-30.
(8) Lieut.-Colonel C. F. G. Quilter		1930-31.

The above rules do not apply to cases of appointments of Assistant Deputy Directors General and the Public Service Commission has therefore, not been consulted in respect of such appointments. Government are not prepared to lay on the table copies of inter-departmental communications.

(c) In view of the reply to parts (a) and (b) above, this part of the question does not arise.

GRANT OF SUNDAY AND HOLIDAY ALLOWANCES TO POST OFFICE EMPLOYEES.

†12. **Mr. S. C. Mitra :** (a) Will Government be pleased to lay on the table a copy of their decision in the matter of the grant of Sunday and holiday allowances to Post Office employees referred to in starred question No. 1013 answered on the 11th March, 1929 ?

(b) If Government have not yet reached any decision, how long more will it take and what is the reason for the delay ?

QUARTERS FOR ASSISTANTS AND CLERKS OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

13. **Mr. S. C. Mitra :** (a) Will Government be pleased to state :

- (i) if all the Assistants and clerks in the office of the Director General, Posts and Telegraphs, have been provided with quarters in New Delhi ; if not, how many Assistants and clerks are still left unprovided ;
- (ii) if any ' D ' type departmental quarter has been allotted to any Section Superintendent of the Director General's office ;
- (iii) if any gazetted officer of the Director General's office has been provided with a departmental quarter intended for non-gazetted staff ?

(b) If the replies to (a) (ii) and (iii) above be in the affirmative, will Government be pleased to state the reasons why the low paid Assistants and clerks were not provided with those quarters ?

(c) What action, if any, do Government propose to take in the matters referred to above ; if no action, why not ?

†For answer to this question, see answer to question No. 8.

Mr. T. Ryan : (a) (i). No ; seven Assistants and 22 clerks are still to be provided for.

(ii) Yes.

(iii) Yes.

(b) The officers in question are entitled to retain their quarters on promotion under the proviso in Note 1 below Rule 4 (a) (2) of the Rules governing the allotment and conditions of occupation of clerks' quarters in New Delhi.

(c) Application has been made for more Public Works Department quarters for Superintendents, Assistants, and clerks.

VOLUNTARY RETIREMENTS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

14. **Mr. S. C. Mitra :** Will Government be pleased to state :

- (a) if any Sectional Superintendent in the office of the Director General, Posts and Telegraphs, volunteered for retirement from service ; if so, who is he and whether he has been permitted to retire ;
- (b) whether Superintendents, Budget Section and Establishment A Section (now Assistant Deputy Directors General) applied for voluntary retirement ;
- (c) whether the volunteers referred to at (b) above were advised by the higher authority of the Department to withdraw their applications and if not, why they withdrew their applications ;
- (d) what is the total amount of service and age of each official referred to at (b) above ;
- (e) how many Superintendents, Assistants and clerks senior to the officials referred to at (b) above are still in service in that office ; if none, why and what is the special reason for their retention in service ;
- (f) whether the contents of the letters No. D.G.-32, dated 23rd May, and 15th June, 1932, issued by the Director General, Posts and Telegraphs, are applicable to the staff of his office ;
- (g) if Government have any objection to furnish the House with a copy of the letters referred to at (f) above ; if so, what ?

Mr. T. Ryan : (a) Yes. Altogether five Sectional Superintendents of the Office of the Director General of Posts and Telegraphs applied for voluntary retirement, namely, Messrs. P. G. Mukerji, D. N. Banerji, B. N. Bhanja, M. K. Deb and H. M. Bose. The first three were permitted to retire.

(b) Yes.

(c). No. They withdrew their applications on account of changed circumstances in their private affairs as recorded in their subsequent applications to the authorities.

(d) Mr. M. K. Deb—service 27 years, age 52 years, Mr. H. M. Bose—service 34 years, age 54 years.

(e) The only official senior to the Superintendents in question is the holder of the post of Chief Superintendent. The last part of the question does not arise.

(f) Yes, generally.

(g) Government are not prepared to lay on the table of the House copies of departmental correspondence.

EXAMINATIONS OF THE DELHI UNIVERSITY.

15. **Mr. Gaya Prasad Singh :** (a) Will Government please state the number of candidates who have obtained 40 per cent. of the aggregate number of marks but have failed in one subject only obtaining not less than 25 per cent. in that subject in the B.A. and B.Sc. examinations of the Delhi University in April 1932 ?

(b) Is it a fact that in the Delhi University candidates who fail in one subject only in the F.A. and F.Sc. examinations are admitted to a subsequent examination in that subject only towards the end of the year ? If so, is this concession allowed to the candidates for the B.A. and B.Sc. examinations ? If not, why not ?

(c) Will Government please state the names of the universities in India which allow this concession ?

(d) Is there any provision for the re-examination of answer books of candidates for the University examinations of the Delhi University who have failed in one subject only just as there is provision in the statutes of other Indian universities ?

Mr. G. S. Bajpai : (a) The number of such candidates at the B.A. and B.Sc. examinations was 30 and 10, respectively.

(b) The reply to the first part of the question is in the affirmative and to the second in the negative. The question of extending to the B.A. and the B.Sc. candidates concessions similar to those granted to the Intermediate candidates is under the consideration of the University authorities.

(c) The following Universities allow this concession :

Bombay, Nagpur, Dacca, Osmania, Agra, Punjab, Patna, Benares, Lucknow, and Allahabad. It is also allowed by the Madras, Andhra, Annamalai, Mysore and Aligarh Universities in a somewhat different form.

(d) No.

AGE-LIMIT FOR DEPARTMENTAL CANDIDATES FOR PUBLIC SERVICE COMMISSION EXAMINATIONS.

16. **Mr. Gaya Prasad Singh :** Is it a fact that in the past unqualified persons employed in the Government of India and its attached offices were given by the Public Service Commission the benefit of their service either by relaxing the maximum age-limit or by holding special qualifying examinations for them ? If so, why is that privilege not extended to them in regard to the ensuing examination in November next ?

The Honourable Mr. H. G. Haig : With a view to improve the system of recruitment to the Government of India Secretariat and its

attached and subordinate offices, and particularly to ensure a regular supply of candidates both by promotion and outside recruitment, certain orders were issued in 1928 laying down definite conditions and qualifications for admission to examinations to be held by the Public Service Commission in the future. The scheme was brought into operation from the 1st April, 1930, and persons in Government service, both temporary and permanent, prior to that date were given a final opportunity of qualifying for promotion at special qualifying examinations held in 1929 and 1931. Age-limits and educational qualifications prescribed in the orders of 1928 were relaxed in the case of these persons on the broad consideration that those who had been recruited before the new system came into force and had not therefore had an opportunity of qualifying for promotion, should not be denied such opportunity. Vested interests having thus been met, Government do not consider that there is any further necessity either for relaxing the age-limit or for holding any special qualifying examination.

VACANCY OF A MECHANIC IN THE EAST INDIAN RAILWAY WORKSHOP AT LILLOOAH.

17. **Mr. S. C. Mitra :** (a) Is it a fact that a vacancy has occurred in the East Indian Railway Workshop, Lillooah, owing to the retirement of Mr. Ahad Bux, a mechanic in " M " shop (carriage building) ?

(b) Is it a fact that arrangements have been made to appoint to the vacant post an Anglo-Indian *ex*-apprentice who had no training in that shop ? Is it a fact that he failed in the Technical School ?

(c) If the answer to part (a) be in the affirmative, do Government propose to appoint from the waiting list a successful Indian *ex*-apprentice who had training in that shop ? If not, why not ?

(d) If the answer to part (b) be in the affirmative, in view of their answer to my starred question No. 424 (d) of the 16th September, 1931, do Government propose to stop such practice without further delay ? If not, why not ?

Mr. P. R. Rau : I have called for information, and will lay a reply on the table, in due course.

APPOINTMENT OF APPRENTICES ON THE EAST INDIAN RAILWAY.

18. **Mr. S. C. Mitra :** (a) With reference to the answer to Mr. Amar Nath Dutt's starred questions Nos. 1306 and 1308 (b) of the 16th November, 1931, will Government please state the trade in which each of the following, *viz.*, Messrs. Sim, Nandi, Smith and Ojha, had special training during their apprenticeship ?

(b) Will Government please state the shop or section in which they have been appointed with their starting salaries ?

Mr. P. R. Rau : I have called for information, and will lay a reply on the table, in due course.

APPOINTMENT OF APPRENTICES ON THE EAST INDIAN RAILWAY.

19. **Mr. S. C. Mitra :** Will Government please supply the names of all First Grade Bound apprentices who completed in 1930 and 1931 from the East Indian Railway Workshop, Lillooah, with the following :—(i) date

of admission ; (ii) name of shop or section trained at ; (iii) period of training with dates in each shop or section ; and (iv) the percentage of marks obtained in the final examination in the Technical School ?

Mr. P. R. Rau : I have called for information, and will lay a reply on the table, in due course.

APPOINTMENT OF APPRENTICES ON THE EAST INDIAN RAILWAY.

20. **Mr. S. C. Mitra :** (a) Is it a fact that the answer given in reply to Mr. Amar Nath Dutt's starred questions Nos. 1306 and 1308 (b) of the 16th November, 1931, is not correct and that Mr. Platts was not discharged after the completion of his training but was in service in " N " (Paint) shop ? If so, will Government state why no Indian *ex*-apprentices who are waiting were given that chance although all of them obtained higher marks in the Jamalpore Technical School ?

(b) If the answer to part (a) be in the affirmative, do Government propose to make an inquiry into the matter and take necessary steps ? If not, why not ?

(c) Is it a fact that Mr. Platts is now working in Lillooah Store Department in the capacity of Ward Keeper ?

(d) If the answer to part (c) be in the affirmative, will Government please state whether they made any endeavour to select any Indian *ex*-apprentice of 1930 for the post ? If not, why not ?

(e) Will Government please state the reasons for not selecting any Indian for the post and what were the grounds for selecting the European or Anglo-Indian for the post and what was his qualification ?

(f) Is it also a fact that Mr. Platts failed in the Jamalpore Technical School ?

(g) Do Government propose to take in successful Indian *ex*-apprentices in all future cases, to such posts in stores and other departments in the East Indian Railway ? If not, why not ?

Mr. P. R. Rau : I have called for information, and will lay a reply on the table, in due course.

RACIAL DISCRIMINATION IN THE TRAINING OF CERTAIN APPRENTICES AT JAMALPORE.

21. **Mr. S. C. Mitra :** (a) With reference to the answer to Mr. Amar Nath Dutt's starred question No. 1313 (a) to (d) of the 16th November, 1931, will Government please state why discrimination was made in selecting Messrs. Smith and Sim for the training although it had been stated by the Government in reply to my starred question No. 291 (a) of the 10th September, 1929, that no racial discrimination was maintained in the East Indian Railway ?

(b) Will Government please state the reasons for not selecting any Indian and what was the ground for selecting those two Europeans or Anglo-Indians ?

Mr. P. R. Rau : I have called for information, and will lay a reply on the table, in due course.

APPOINTMENT OF LILLOOAH APPRENTICES.

22. **Mr. S. C. Mitra :** (a) With reference to the answer to Mr. Bhuput Sing's starred question No. 631 (a) and (b) of the 4th March, 1932, will Government please state whether it is a fact that the said Anglo-Indian received his training (during apprenticeship) in " G " shop, " II " shop and Drawing Office ?

(b) Is it a fact that most of the Indians of his batch obtained higher marks in the final examination in Jamalpore Technical School ?

(c) Is it a fact that two Indians of his batch worked under Divisional Superintendent, Howrah, throughout the last strikes, working daily for eight hours on Sundays, Saturdays, even on public holidays ?

(d) If the answer to part (a) be in the negative, will Government please lay on the table a statement regarding particulars of his training as well as the annual results of the Jamalpore Technical School ?

(e) If the answer to part (a) be in the affirmative, will Government please state in what way they considered him best qualified for the appointment ?

(f) Do Government propose to take in other Indian *ex*-apprentices who have similar training as train examiner ? If not, why not ?

(g) If the answer to part (e) be in affirmative, will Government please state the reasons for not selecting those Indians ? Do Government propose to take in such Indians when the next vacancy arises ? If not, why not ?

Mr. P. R. Rau : I have called for information, and will lay a reply on the table, in due course.

APPOINTMENT OF LILLOOAH APPRENTICES.

23. **Mr. S. C. Mitra :** (a) With reference to the answer to Mr. Bhuput Sing's starred question No. 631 (c) of the 4th March, 1932, will Government please lay on the table a copy of the orders that have been issued to all Divisional Superintendents for the appointment of qualified time-expired apprentices of the Lillooah Shops in suitable posts ?

(b) Do Government propose to inform the *ex*-apprentices when vacancies arise ? If not, why not ?

(c) Will Government please state whether they have sent the names of the *ex*-apprentices to all Divisional Superintendents ? If not, why not ?

(d) If the answer to part (c) be in the affirmative, will Government please lay a copy on the table ?

Mr. P. R. Rau : I have called for information, and will lay a reply on the table, in due course.

APPOINTMENT OF LILLOOAH APPRENTICES.

24. **Mr. S. C. Mitra :** With reference to the answer to Mr. Bhuput Sing's starred question No. 631 (c) of the 4th March, 1932, will Government please state :

(a) the number of vacancies occurred in the grade of train examiners and electricians ;

(b) the number of vacancies filled up by the *ex*-apprentices of Lillooah Workshop ;

(c) the number of Europeans, Anglo-Indians and Indians taken in as such ?

Mr. P. R. Rau : I have called for information, and will lay a reply on the table, in due course.

APPOINTMENT OF LILLOOAH APPRENTICES.

25. **Mr. S. C. Mitra :** Do Government propose to stop further recruitment of apprentice train examiners for the Operating Department, while several *ex*-apprentices of Lillooah Workshop are waiting ? If not, why not ?

Mr. P. R. Rau : I have called for information, and will lay a reply on the table, in due course.

APPOINTMENT AND PROMOTION IN THE LILLOOAH RAILWAY WORKSHOP.

26. **Mr. S. C. Mitra :** With reference to the answer to Mr. Bhuput Sing's starred question No. 639 (c) and (d) of the 4th March, 1932, will Government please lay on the table a statement regarding general and technical education, particulars of training, experience of the acting foreman and also of the assistant foreman of that shop ?

Mr. P. R. Rau : I have called for information, and will lay a reply on the table, in due course.

APPOINTMENT AND PROMOTION IN THE LILLOOAH RAILWAY WORKSHOP.

27. **Mr. S. C. Mitra :** (a) Is it a fact that some outsiders, mostly Europeans and Anglo-Indians, have been appointed as mechanics although they had no mechanical training ?

(b) If the answer to part (a) be in the negative, will Government please lay on the table a statement of the general and technical education, particulars regarding practical training, experience, starting salaries, dates of appointments, and shop concerned, of Messrs. Lamb, DeCoster, Alderson, Watson, Lowe (junior), Moslem, and Saleross (mechanic of saw mills), in the East Indian Railway Workshop, Lillooah ?

Mr. P. R. Rau : I have called for information, and will lay a reply on the table, in due course.

GRANT OF LEAVE IN TRANSPORTATION AND COMMERCIAL BRANCHES OF THE JUBBULPORE DIVISION, GREAT INDIAN PENINSULA RAILWAY.

28. **Mr. Bhuput Sing :** (a) Is it a fact that, while leave is granted to the transportation branch of the Jubbulpore Division, Great Indian Peninsula Railway, in the usual manner, such leave is not granted to the employees of the commercial branch of the same division ? Are Government aware that the latter suffer much inconvenience and hardship owing to unusual delay in receiving replies to their applications, and that the applicants are merely informed that they will be granted leave when their turn comes ?

(b) Is it a fact that the station masters in this division, including station masters of important junctions, are not authorised to grant even casual leave up to three days to the commercial staff, although they are authorised to grant such leave to the members of the transportation branch ?

(c) If the replies to parts (a) and (b) be in the affirmative, will Government kindly explain why this distinction is made between the commercial and the transportation branches in the matter of the grant of leave ? What steps do Government propose to take to get this distinction removed ?

Mr. P. R. Rau : I have called for information, and will lay a reply on the table, in due course.

TRANSFERS OF OPEN LINE PERMANENT STAFF OF RAILWAYS.

29. **Mr. Gaya Prasad Singh :** (a) Will Government please state whether open line permanent staff can be transferred from one State open line of railway to another in the following instances (i) as officials, and (ii) as subordinates ?

(b) If so, will the transfer in such cases constitute a continuation of permanent service involving no loss of seniority, or leave acquired or other permanent service rights and conditions earned and permitted under permanent service rules such as the Civil Service Regulations, the Fundamental and Supplementary Rules in the case of both officials and subordinates ? If not, are there any causes for differentiating between the rights of officials and subordinates in such cases ?

(c) When permanent staff are transferred from one open line to another are the staff so transferred responsible for maintaining their personal files and seeing that their leave, pay, and other permanent rights are correctly and properly brought over, or are these the routine functions of an establishment branch of the office to which he has been transferred ?

Mr. P. R. Rau : (a) The question depends on the agreements entered into by the staff. As a general rule, officers, and pensionable and covenanted subordinates are considered to be liable to transfer between State-managed railway administrations, other staff are not ordinarily so liable.

(b) A transfer ordered in the interests of the public service from one State-managed railway to another does not affect continuity of service.

(c) It is the duty of the two administrations in such cases to see that the necessary records are transferred.

RECRUITMENT OF SIKHS IN THE CENTRAL PUBLICATION BRANCH, CALCUTTA.

30. **Sirdar Harbans Singh Brar :** (a) Will Government please state the strength of the ministerial establishment employed in the Central Publication Branch, Calcutta ?

(b) How many of them are Sikhs ?

(c) Was any proportion of the posts allotted to the Sikhs in this office ? If so, what ?

(d) Is there any proposal to transfer this office or a portion thereof from Calcutta to Delhi? If so, when?

(e) Are any vacancies likely to occur on account of this transfer?

(f) Do Government propose to avail themselves of this opportunity to recruit a sufficient number of Sikhs to bring their number to the proper level?

The Honourable Sir Frank Noyce : (a) *Permanent*—

1 Assistant Manager.

1 Head Assistant.

1 Accountant.

7 Assistants.

52 Clerks.

3 Typists.

1 Junior Addressographer.

1 Sircar.

Temporary—

1 Assistant.

11 Clerks.

(b) None.

(c) No proportion of Sikhs has been fixed. The policy of Government is to prevent the preponderance of any one class or community. For redressing communal inequalities one third of all permanent vacancies are generally filled up by members of minority communities provided that they are available and adequately qualified.

(d) Yes, the Central Publication Branch except the Retail Shop will be transferred to the Press building in old Delhi as soon as the building is ready for occupation.

(e) and (f). It does not necessarily follow that the transfer will result in any permanent vacancies. If such vacancies occur they will be filled in accordance with the policy explained in the reply to part (c) of the Honourable Member's question.

MOTION FOR ADJOURNMENT.

COMMUNAL DECISION OF HIS MAJESTY'S GOVERNMENT.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I have received a notice from Sardar Sant Singh that he proposes to ask for leave to make a motion for the adjournment of the business of the House to-day for the purpose of discussing a definite matter of urgent public importance as follows :

“ The communal decision of His Majesty's Government.”

I have to inquire whether any Honourable Member has any objection to this motion.

(No objection was taken.)

As no objection has been taken, I take it that leave is granted. The motion will be taken up for discussion at 4 this afternoon.

DEATHS OF MR. R. S. BAJPAI, RAI BAHADUR T. N. BHARGAVA AND SIR THOMAS MOIR.

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House) : Sir, I rise to refer to the lamented demise of certain Members with whose work as Members of this Assembly we are all very familiar. The first of the persons with whom I have to deal is Mr. Rama Shankar Bajpai, Director of Public Information, whose loss we all deplore. After having been called to the bar and starting practice in Calcutta, in 1920 Mr. Bajpai entered the office of which he eventually became the head. With regard to his work in that office itself, my Honourable colleague, the Home Member, will possibly be able to speak more fully and more adequately. But you will permit me, Sir, on this occasion to refer to some aspects of Mr. Bajpai's life and character with which most of us are familiar. Mr. Bajpai was a man of whom it could be said that he had a regular genius for friendship and hospitality. He had no enemies, and he made none. He was charitable and hospitable to a fault, and he counted amongst his friends men belonging to every community and every stratum of society. He was a loyal friend, a real comrade and a great gentleman, and in mourning his death I think it would be due to his memory to say that the Assembly, which he served long and faithfully for a number of sessions, will deeply regret his loss.

The other person whose loss also we all have to deplore is Rai Bahadur Triloki Nath Bhargava who was elected to the Legislative Assembly in 1930 as a Member of the Fyzabad non-Muhammadan Rural constituency. Mr. Bhargava was a member and later the Chairman of the Lucknow Municipal Board and he distinguished himself in that capacity and in the sphere of local self-government. He was then elected to the Assembly ; and although he did not take a very prominent part in the debates and discussions of this Assembly, those who knew of his work in the matter of the Partnership Bill speak very highly of the many-sided knowledge and the very close acquaintance with business procedure which he displayed, to the advantage of all concerned. In him also we mourn the loss of a valuable member.

Only one other name remains, and he is Sir Thomas Moir. Sir Thomas was associated with the Madras Government as a Member of the Executive Council there, but he had been a member of this Assembly in two important sessions—1924 and 1925—when he took a very prominent part in what is known as the provincial contributions question. In fact he was a very useful member of the Assembly. His main work here was of course done long ago but it is still vividly remembered by many of his advisers. We may place on record our appreciation of the work of these men, and in lamenting their loss, and condoling with their relations we are discharging a melancholy duty.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, in mourning the loss of my very old and true friend, Mr. Rama Shankar Bajpai, I need hardly say that there is not one Member on this side of the House who was not a friend of Mr. Bajpai and to whom he was not accessible at all hours and at all times for the

[Sir Hari Singh Gour.]

supply of information which they needed and which how many Members on this side of the House have not utilized for embellishing their arguments. Sir, though he sat on the Government Benches, he was truly a Director of Public Information and placed all the materials at his disposal freely and willingly at the service of all alike, whether officials or non-officials. Sir, in private life, as the Honourable the Leader of the House has remarked, Mr. Rama Shankar Bajpai was an esteemed friend, a man who welcomed everybody and who knew no communal barriers. Some of his dearest friends came from both sides of the House, and in lamenting his untimely, sudden and tragic death, we on this side of the House feel the poorer for the loss of Mr. Rama Shankar Bajpai.

Sir, of the two remaining gentlemen who have departed this life, I knew Sir Thomas Moir when he sat on these Benches as a representative from Madras, and I well remember the doughty fight that he put up for his own province against the provincial contributions. He had presided over the Finance Committee for a short time, and as an expert in finance, his assistance was valuable and valued by all Members on both sides of the House.

Of Rai Bahadur Triloki Nath Bhargava the Honourable the Leader of the House has pointed out that he succeeded to the membership of this House somewhat late and was a member for a very short time; but though he was a member for a very short time and during that time he suffered from ill-health, he was a constant attendant in this House and assisted the party to which he belonged and generally the House of which he was a member, to the best of his ability. The House, Sir, feels the poorer for the loss of three esteemed colleagues who departed from this life.

The Honourable Mr. H. G. Haig (Home Member) : Sir, I hope that you and the House will extend to me your indulgence if I say a few words about the sudden and lamentable death of Mr. Rama Shankar Bajpai. The Honourable the Leader of the House has already paid him an admirable and eloquent tribute. But I feel I should like to add a few words of my own, speaking as the Head of the Department under which he worked and also as a very old friend of his. Mr. Bajpai and I belonged to the same Province, and I knew him even before those now distant days when he first came to the Government of India to work as Assistant Director of Public Information under Mr. Rushbrook Williams. He had been for many years a Member of this Assembly. He was known to all, and was on terms of intimate friendship with many. Mr. Bajpai had a very high sense of duty, and this was combined with a sensitive nature which made him sometimes a little anxious in case he should not reach the standards he set before himself. I sometimes wonder whether these characteristics did not to some extent contribute to his tragic death. On his arrival this year at Simla he had trouble in his eyes which gave warning of a rather alarming character. We urged him to proceed on leave, but he was very reluctant to leave his post and insisted that all would be well. For a time he seemed to be right. Then other trouble set in, suddenly and rapidly. He applied for leave and we had all hoped that he would return in a few months with renewed health. But it was too late, and on his way to his father's home he collapsed and died. I desire to express on behalf of my department and of myself our deep

sympathy with his relatives in this bereavement and our own sense of personal loss.

Sir Abdulla-al-Mamun Suhrawardy (Burdwan and Presidency Divisions : Muhammadan Rural) : In rising to associate myself with what has fallen from the Leader of the House, I desire to pay my personal tribute of respect to the memory of Mr. Rama Shankar Bajpai and Pandit Trileki Nath Bhargava. The hands of death, unfortunately, have been very busy of late in the ranks of the Members of the Assembly. Within a very short time death has taken its toll with relentless impartiality of about an equal number of official and non-official Members of the Assembly—Mr. Shahani, Mr. K. C. Roy, Pandit Bhargava, Sir Mian Muhammad Shafi, Mr. Allison and Mr. Bajpai. Mr. Bajpai and myself had been friends for a very long time. Though he belonged to the United Provinces, it is not known generally that Calcutta was his second home and he had many friends there. He was a member of the Calcutta Bar and was a lecturer in law at the University of Calcutta. As the Leader of the House remarked, he had the gift of making friends and retaining friendships. Of polished and gentle manners and of amiable disposition, as the Leader of the House has said, he had no enemies. It was a unique sight when we some time ago saw both the Bajpai brothers occupying the official benches, but, alas, the Evil Eye of Death could not tolerate that for long. I have had the misfortune to mourn the loss of many friends, but it is rather hard, in the words of the Persian poet, to bear and mourn the loss of those who are cut off in the prime of life :

*Gar Pir-i-na'wad-sala
bi mirad 'ajabi nist
In ma'tami sakht ast ki
guyand jawān mard*”.

“ If an old man of three score years and thirty dies there is nothing extraordinary ;

It is an unutterable sorrow, hard to bear, when one is cut off in the prime of manhood.”

I made the acquaintance of Pandit Triloki Nath Bhargava in this House as a member of the Assembly. His charming personality quickly endeared him to those who came into contact with him. Though a new friend, he occupies a place in my heart nearest my old. With these words, Sir, I associate myself with what has fallen from the Leader of the House and other speakers and desire you to convey our sympathy to members of the bereaved families.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Sir, I rise to associate my Party with all the remarks made by the Honourable the Leader of the House. He has very correctly said that Mr. Bajpai was as well known on this side of the House as on the other. In him we have lost a Government officer of charming personality, whose hospitality, whose kindness and, above all, whose readiness to help Honourable Members on this side of the House was conspicuous. As my Honourable friend has just said it is not often that we find two brothers sitting on the official Benches in a House of the Legislature in India. Every member of my Party desires to associate himself with the remarks made by the Honourable the Home Member who is the best judge of Mr. Bajpai's worth and work. We desire, Mr. President, that you should convey to the members of Mr. Bajpai's family our deep sympathy in the great loss they have suffered. In Pandit Bhargava, as my Honourable friend said, we

[Sir Cowasji Jehangir.]

had a silent member, but, Mr. President, it is not only the Members who do the greatest work. Very often it is the silent Members who are the hardest workers in Committee and the most useful Members of this Honourable House. In Mr. Bhargava we have sustained a loss and we also desire, Sir, that you should convey to the members of his family our deep sense of regret on his death. I did not ever have the pleasure of meeting Sir Thomas Moir but from what Sir Hari Singh Gour has told us he evidently was a tower of strength to the Government Benches. With these words, Mr. President, I desire to associate my Party and myself with the motion moved by the Leader of the House.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Chair wishes to associate itself with all that has fallen from the previous speakers. The Chair knew Mr. Bajpai and also Rai Bahadur Triloki Nath Bhargava and had the privilege of coming in contact with them as Members of the Assembly. The Chair entirely agrees with all that has fallen from the previous speakers in regard to the usefulness of these Members and joins in lamenting their loss to this Assembly and to the country. The Chair did not know Sir Thomas Moir but from what has been said in regard to his public services by Honourable Members, the Chair wishes to associate with those remarks also. The Chair will communicate to the relatives of the deceased the condolence of this House.

I should like to inform Honourable Members that it is my intention to continue the work of the Assembly to-day till we finish the agenda. We will then adjourn and meet at 4 o'clock to discuss the adjournment motion. If lunch interval is taken early, the arrangement will not be, in the opinion of the Chair, so convenient as sitting a little late and then adjourning to 4 o'clock. That is what the Chair proposes to do.

GOVERNOR GENERAL'S ASSENT TO BILLS.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I have to inform the House that the following letter has been received from the Private Secretary to His Excellency the Viceroy.

“ I have the honour to inform you that the following Bills which were passed by both Chambers of the Indian Legislature during the Delhi Session, 1932, have been assented to by His Excellency the Governor General under the provisions of subsection (1) of section 68 of the Government of India Act :

1. The Indian Companies (Supplementary Amendment) Act, 1932.
2. The Employers and Workmen (Disputes) Repealing, Act, 1932.
3. The Wheat Import Duty (Extending) Act, 1932.
4. The Indian Finance (Supplementary and Extending) Amendment Act, 1932.
5. The Wire and Wire Nail Industry (Protection) Act, 1932.
6. The Bamboo Paper Industry (Protection) Act, 1932.
7. The Salt Additional Import Duty (Extending) Act, 1932.
8. The Bengal Criminal Law Amendment (Supplementary) Act, 1932.
9. The Indian Partnership Act, 1932.
10. The Code of Civil Procedure (Amendment) Act, 1932.
11. The Public Suits Validation Act, 1932.
12. The Foreign Relations Act, 1932.
13. The Sugar Industry (Protection) Act, 1932.
14. The Indian Air Force Act, 1932.
15. The Indian Tariff (Wireless Broadcasting) Amendment Act, 1932.”

PANEL OF CHAIRMEN.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I have also to inform the House that under Rule 3 (1) of the Indian Legislative Rules I nominate Sir Hari Singh Gour, Sir Abdur Rahim, Mr. G. Morgan and Mr. Muhammad Yamin Khan on the Panel of Chairmen for the current session.

STATEMENT OF BUSINESS.

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House) : With your permission, Sir, I desire to make a statement as to the probable course of business for the rest of the week. Honourable Members will observe from to-day's agenda paper that Government are introducing eight Bills and it is proposed to proceed further with these Bills on Thursday, the 8th. To-morrow, Tuesday, as Honourable Members are aware, is allotted for non-official Bills and Wednesday is allotted for Resolutions. As at present proposed the order of business on Thursday will be as follows :

- (1) Motion to refer to Select Committee the Bill to amend section 526 of the Code of Criminal Procedure ;
- (2) Motions to take into consideration and pass the Bill further to amend the Land Acquisition Act ;
- (3) Motions to take into consideration and pass the Bill further to amend the Indian Income-tax Act ;
- (4) Motions to take into consideration and pass the Bill to amend the Trade Disputes Act ;
- (5) Motions to take into consideration and pass the Bill further to amend the Indian Emigration Act ;
- (6) Motions to take into consideration and pass the Bill to prohibit the pledging of the labour of children ;
- (7) Motions to take into consideration and pass the Bill further to amend the Cantonments Act, 1924 ;
- (8) Motions to take into consideration and pass the Bill further to amend the Indian Railways Act ; and lastly
- (9) Motions to take into consideration and pass the Bill to amend the Ancient Monuments Preservation Act, 1904, as reported by the Select Committee.

STATEMENTS LAID ON THE TABLE.

Mr. H. A. F. Metcalfe (Foreign Secretary) : I lay on the table :

- (i) the information promised in reply to starred questions Nos. 575, 576, 577, 578 and 579 asked by Maulvi Sayyid Murtuza Sahib Bahadur on the 29th February, 1932 ; and
- (ii) the information promised in reply to starred questions Nos. 1064, 1065 and 1066 asked by Sardar Sant Singh on the 30th March, 1932.

ENCROACHMENTS ON MUSLIM BURIAL GROUNDS IN AJMER.

575. (a) (1) Yes.

(2) Yes.

(3) Yes, by resolution No. 7 of 13th August 1925, not No. 10 of 19th August 1925.

(4) Yes.

(5) Yes.

(b) Individual cases were laid before the Public Works Sub-Committee for orders as usual. The Public Works Sub-Committee in its Resolutions No. 9, 10 and 11, dated 7th October, 1929, on the suggestion of the Ward Superintendent, Mr. Gaiinda Lal, resolved to keep them pending till submission of the report of the Special Sub-Committee, consisting of the Convener, Public Works Sub-Committee, Mr. Gaiinda Lal and Mr. Ahmed Noor Khan, regarding the correctness of the Idgah Chand Baori grave-yard, as shown in the demarcated grave-yard plan, and in cases of 1931 and 1932 the Public Works Sub-Committee issued orders on each case separately to keep them pending until the redelimitation of the grave-yard had been done. This is in hand.

REPORT ON THE ENCROACHMENTS ON MUSLIM BURIAL GROUNDS IN AJMER.

576. (a) (1) Yes, together with Mr. Gaiinda Lal as Mr. Ahmed Noor Khan was not present at this site inspection.

(2) Yes.

(3) Yes.

(b) The report is on the file in the office of the Public Works Department of the Municipality. It was not placed before the General Committee as the other two members of the Special Sub-Committee had not signed it. Mr. Gaiinda Lal, one of the members, submitted his dissenting note on the 19th May, 1930, when Mr. Walker was still Convener of the Public Works Sub-Committee. Mr. Ahmed Noor Khan, the 3rd member of the Special Sub-Committee inspected the site with Mr. Gaiinda Lal later on and asked that the actual limits of the grave-yard according to the settlement plans should be shown to him. This was not possible until the land had been demarcated by the Revenue authorities at the site. This was finally done on 15th February, 1932.

(c) Mr. Gaiinda Lal submitted his report on the 19th May, 1930 when Mr. Walker was still Convener. The reason for the delay was not reported.

(d) Copies attached.

In accordance with Resolution No. IX of 7th October, 1929, I visited the Idgah Chand Baori Grave-yard with Mr. Gaiinda Lal on the 11th instant and compared the plan of the demarcated grave-yard with the actual site.

Check measurements were taken from the only old plan available dated 1887. The check was not absolutely conclusive but indicated that in the case considered in P. W. S. C.'s Resolution No. XIV of 26th August, 1929, the applicant had already included 3' 3" of passage shown in plan of 1887 in his house. It is possible that a further strip of 1' 9" of land is included in the demarcated grave-yard. The 1887 plan is merely a line plan on these papers and is not reliable.

I am strongly of opinion that the plan of demarcated grave-yard approved by the Municipal Committee on 15th May, 1924, should be taken as correct. No case has been made out to show that it is incorrect.

Inhabitants of this area were strongly of opinion that the grave-yard should not be encroached upon.

I very strongly recommend that :—

1. Application of Kutabali be rejected.
2. The existing encroachment of Kherulla be removed.
3. Application of Md. Ishaq be rejected.
4. The new encroachment of Md. Iamail be removed.

This is a very glaring case, construction was refused in P. W. S. C. Resolution No. III of 3rd January, 1928 ; applicant was warned to stop construction. Case has been with W. S. for about 2 months.

5. Application of Hafiz Mohd. Hanif be refused.

6. Encroachment of Chabutri of Yakub be removed.

Sites 1—6 in grave-yard plan in pencil, i.e., no construction be allowed within the demarcated grave-yard.

(Sd.) W. WALKER,

Convener,

14th October, 1929.

I do not agree with the opinion of the Convener P. W. S. C. of 14th October, 1929, for the reason that the land was purchased by these applicants from the owner of the grave-yard by paying large sums and if the committee has got any right to disinherit any person from his civil rights, then in that case they should file a civil suit against the owner of the grave-yard for selling land to these people in civil court. Besides this there is no proper Resolution of the General Committee forbidding any people from the constructions from the grave-yard. Hence would point out to the committee that in case any of the applicant should file suit against the Municipal Committee for demolishing their constructions without any valid reasons then the committee will have to undergo heavy expenses in paying out compensation in large amount to the applicants. I therefore express my very strong opinion that whatever constructions have been applied for and have been completed may be allowed to stand for future grave-yard boundary may clearly be defined and public may be informed by means of pamphlets and also by beat of drum so that nobody will purchase such grave-yard land in case they will do contrary to this they will suffer their consequences.

(Sd.) GAINDA LAL,

19th May, 1930.

ENCROACHMENT OF MUSLIM BURIAL GROUNDS IN AJMER.

577. (a) (1) Yes. No. 1225 of 7th September, 1929, and No. 1228 of 15th January, 1932.

(2) A report was called for on 15th January, 1932.

The site was inspected by the Executive Officer on the 22nd January, 1932. The report of the Executive Officer was mislaid until 8th March, 1932, the Secretary was informed on the 15th March, 1932, that the matter was receiving immediate attention.

(3) The matter of the re-delimitation of these grave-yards referred to the Special Sub-Committee consisting of Mr. Walker, Mr. Gainda Lal and Mr. Ahmed Nour Khan was settled by the Revenue authorities on the 15th February, 1932, having been referred to them on the 18th October, 1930. The case will now be placed before the Public Works Sub-Committee for necessary action.

(4) Yes.

(5) Yes, without permission.

(b) Direct interference on the part of Government does not appear to be justifiable at present, as no representations whatever have so far been made to the Chief Commissioner, Ajmer-Merwara, in the matter.

MISMANAGEMENT IN MUNICIPAL AFFAIRS IN AJMER.

578. (a) (1) Yes.

(2) Bye-Laws under Sections 46 and 58 of the Regulations delegating powers to the Executive Officer were framed in July, 1931, and are under the consideration of the Committee.

(3) Whatever mis-management exists is due to the fact that the members of the Municipal Board have been bound by old rules and bye-laws under which they were

instructed to carry out duties which would normally come under the Executive staff. Until recently there was no Executive Officer and it is obviously impossible for all existing customs to be wiped out by the appointment of an Executive Officer whose functions have yet to be defined.

Unfortunately the Regulations for municipalities for Ajmer-Merwara are not in line with those in the United Provinces Municipal code and contain no definite instructions relating to the powers of an Executive Officer.

It is unlikely that when the functions of the Executive Officer have been defined there will be any interference on the part of members.

(b) Direct interference on the part of Government does not appear to be justifiable at present, as no representations whatever have so far been made to the Chief Commissioner, Ajmer-Merwara, in the matter.

HOUSES BUILT ON THE MUSLIM GRAVE-YARD AT IDGAH CHAND BAORI, AJMER.

579. The following is the detail :

Number of houses constructed since 21st December, 1931	..	8
Number of houses under construction	..	3

NOMINATION OF INDIAN CHRISTIANS AS MEMBERS OF THE AJMER MUNICIPAL COMMITTEE.

1064. (a) Comparatively small.

(b) No.

(c) The number of members that can be nominated is limited by Section 8 (1) (2) proviso (i) of the Ajmer-Merwara Municipalities Regulation VI of 1925 and it is not possible to nominate a member of every community. Out of a total population of 1,19,524, Sikhs and Parsis number only 270 and 240, respectively. A Parsi gentleman was nominated in 1929.

NOMINATION OF A MUSSALMAN AS A MEMBER OF THE AJMER MUNICIPAL COMMITTEE.

1065. (a) Nominations are made to secure the adequate representation of minorities. Muhammadans form 34 per cent. of the total city population but hold only 5 out of 17 elected seats. A Muhammadan gentleman, who has rendered valuable services on the Municipal Committee in the past and whose legal knowledge is very useful to the Committee, has been nominated to secure representation for the Muslim community more proportionate to its size and importance.

(b) Hindus hold 8 out of 17 elected seats and this community does not, therefore, at present require additional representation on the Committee.

NON-NOMINATION OF A MEMBER OF THE DEPRESSED CLASSES TO THE AJMER MUNICIPAL COMMITTEE.

1066. (a) Yes.

(b) Efforts to find a member of the depressed classes, who could suitably be nominated, have been unsuccessful, but an Indian Christian gentleman, who can be relied upon to represent their interests, has been nominated.

The Honourable Sir Alan Parsons (Finance Member) : I lay on the table :

- (i) the information promised in replies to starred questions Nos. 768 and 769 asked by Khan Bahadur Makhdum Sayad Rajan Bakhsh Shah on the 14th March, 1932 ;
- (ii) the information promised in replies to starred questions Nos. 977 and 978 asked by Mr. S. C. Mitra on the 29th March, 1932 ; and
- (iii) the information promised in reply to starred question No. 1087 asked by Bhai Parina Nand on the 31st March, 1932.

COMMERCIAL AUDIT IN GOVERNMENT FACTORIES.

768. (a) Yes.

(b) Yes. In the first instance the officers will be officers who were trained and employed in the Commercial Audit Branch itself. For the future, arrangements will be made to include a knowledge of commercial accounting in the professional qualifications of a sufficient number of officers of the Indian Audit and Accounts Service.

(c) Two items of loss were brought to notice by the Commercial Audit Branch amounting to about Rs. 70,768 and Rs. 82,258, respectively. No similar items of losses have so far been detected as occurring since the introduction of commercial accounts and an up-to-date system of stocktaking.

COMMERCIAL AUDIT IN GOVERNMENT FACTORIES.

769. (a) A loss on this account was revealed by Commercial Audit. The amount of the loss was estimated at Rs. 94,500. The actual amount has not yet been finally calculated by the factory authorities.

(b) The Auditor General is taking steps to ensure that men with the requisite training are sent to audit commercial concerns.

(c) It has been decided to bring the men on to the scales of pay obtaining in the Accounts Offices in which they will now be merged. Such temporary personal protection as may be necessary will be considered in individual cases ; but Government do not propose to adopt the general concession which the Honourable Member suggests.

ACCOUNTANTS REVERTED TO THEIR SUBSTANTIVE APPOINTMENTS.

977. List of Accountants who are on deputation in the office of the Accountant General, Central Revenues, since 1923 showing the grounds on which they have been retained or reverted to their substantive appointments held by them in other Provinces is as follows :

The following accountants have been on deputation in the office of the Accountant General, Central Revenues, from various dates since 1923 and are still working there :

*Accountants.**Name.**Remarks.*

1. Mr. Mansa Ram.	}	Retained in the office of the Accountant General, Central Revenues, as they have worked in that office for a very long time.
2. Mr. Jagan Nath.		
3. Mr. M. N. Sanyal.		
4. Mr. R. S. Ramayyar		He came to the office of the late Pay and Accounts Office, Secretariat, from Madras. On the amalgamation of the Pay Office with the office of the Accountant General, Central Revenues, he was retained on grounds of efficiency in the place of an experienced accountant who has been temporarily transferred from the latter office.

Divisional Accountants.

5. Mr. K. N. Ganguli.	}	Retained as they accepted the all-India condition of service.
6. Mr. R. W. Brockhurst.		
7. Mr. C. V. Krishna.		

2. The following Accountants have been reverted :

Accountant.

1. Mr. P. C. V. Iyer Reverted to the Military Accounts Department due to retrenchment.

Divisional Accountant.

2. Mr. S. Mitra Was reverted from the office of the Accountant General, Central Revenues, because of his refusal to accept the all-India condition of service usually expected from permanent divisional accountants in that office.

DIVISIONAL ACCOUNTANTS RETIRED AT 55 YEARS OF AGE.

978. On the assumption that the question relates to recent years, there have been two cases in which extension of service has been granted after 55 years of age. The names of the Accountants are Rai Sahib Ratan Chand Khanna and Mr. Durga Prasad.

DISTINCTION BETWEEN JAINS AND HINDUS IN CONNECTION WITH RETRENCHMENT IN THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES.

1087. (a) and (b). The ratio between Jains and other Hindus, which existed before retrenchment, was in actual fact maintained in making discharges from the office of the Accountant General, Central Revenues. But there is and has been no policy of discrimination such as the Honourable Member appears to suggest.

Mr. P. R. Rau (Financial Commissioner, Railways) : I lay on the table :

- (i) the information promised in reply to unstarred question No. 121 asked by Mr. N. R. Gunjal on the 4th March, 1932 ;
- (ii) the information promised in reply to unstarred question No. 119 asked by Mr. N. R. Gunjal on the 4th March, 1932 ;
- (iii) the information promised in reply to starred question No. 1110 asked by Mr. Uppi Saheb Bahadur on the 1st April, 1932, and
- (iv) the information promised in reply to starred question No. 488 asked by Mr. N. M. Joshi on the 23rd February, 1932.

MARKERS EMPLOYED IN THE BENGAL AND NORTH WESTERN RAILWAY.

121. (a) (i) Eighty.

(ii) There is no fixed scale of pay.

(iii) Since there is no fixed scale there is no fixed maximum. The highest paid marker in the service at present draws Rs. 18.

(iv) Two.

(v) They are eligible for gratuity and not for Provident Fund benefits. One member received gratuity during the last five years.

(b) They are generally of a poor standard of education. They are engaged to mark, check and tally goods and to make themselves generally useful in a goods shed. Many of them also do clerical work of an unimportant nature.

(c) Marking is frequently done by menials under supervision. They are not literate except that they are generally able to read labels in English and marks in English and vernacular.

INSTITUTES FOR EUROPEAN AND INDIAN STAFF ON THE BENGAL AND NORTH WESTERN RAILWAY.

119. (a) The Bengal and North Western Railway has provided seven institutes for European staff and seven for Indian staff.

(b) The ordinary maintenance charges, i.e., cost of establishment, lighting, books, newspapers, games, etc., for both the European and Indian institutes are met from members' subscriptions, while the cost of the maintenance of Institute buildings is borne by the Railway.

(c) Does not arise.

(d) There is a scheme under consideration at present for the provision of one more Indian institute.

(e) No.

AGE OF BABU KHUSHI MOHAMMED, LATE CHIEF GOODS CLERK, NORTH WESTERN RAILWAY, FORCED TO RETIRE.

1110. (a) B. Khushi Mohammed was retired on attaining the age of 55 years in accordance with the date of birth recorded in his service sheet after serving for over 35 years.

(b) Yes.

(c) Yes. Before May 1930, such requests were sometimes granted by the Administration, if circumstances justified such a course, but owing, to the increasing number of applications for alterations in dates of birth which were being made by employees when nearing the age of superannuation, it was, in May 1930, made a rule by the Administration that no alteration in the date of birth as accepted and recorded on engagement would be agreed to, except in cases of clerical error, and this is a rule to which the Administration has made no exception since then. In accordance with this rule B. Khushi Mohammed's request for alteration in the date of his birth which was made subsequent to May 1930 was rejected. Previous to this date he had made a similar request which was turned down as he had then admitted that he might have given a wrong date of birth for securing service or because he was not particular about the declaration of his age at the time of entering the service.

(d) Applications and other communications, etc., received from B. Khushi Mohammed were duly considered and he was informed of the decision. Railway employees have a right of appeal but not beyond the Agent in such cases.

PROMOTED SUBORDINATES GRANTED LEE CONCESSIONS ON THE GREAT INDIAN PENINSULA RAILWAY.

488. A statement showing the subordinates in the Transportation (Traffic) and Engineering Civil Departments, confirmed in the year 1921, who were admitted to the Lee Concessions subsequent to their confirmation and the total allowances drawn by each with retrospective effect.

No subordinates of the Mechanical Engineering or Transportation (Power) or Traffic (Commercial) Department, promoted in the year 1921, were admitted to the Lee Concessions.

Subordinates in the Transportation (Traffic) and Engineering (Civil) Departments confirmed as officers in the year 1921 and who were admitted to the Lee concession subsequent to their confirmation and the total allowances drawn by each with retrospective effect.

Serial No.	Name.	Department.	Date confirmed.	Allowances drawn under Lee concession with retrospective effect.	
				Sterling Overseas pay drawn with retrospective effect (i.e.) from 1st April, 1932, to 28th February, 1926.	Reimbursement of passages upto November, 1926, of passages booked from 1st April, 1924.
				Rs.	Rs.
1	Mr. V. Davey ..	Transportation (Traffic).	27-7-21	954	1,200
2	Mr. J. D. Johnson	Civil Engineering	21-4-21	2,820/10	..
3	Mr. T. J. Loosemoore	Do. ..	10-9-21	2,906/9	..

Mr. T. Ryan (Director-General of Posts and Telegraphs) : I lay on the table the reply to parts (a), (b), (c), (d), (f) and (g) of the starred question No. 794 asked by Mr. S. C. Mitra on the 14th March, 1932 :

ALLOWANCE FOR STAFF ENGAGED IN SORTING FOREIGN MAIL IN CALCUTTA.

794. (a) The sorting is done partly by staff who are paid overtime allowance and partly by auxiliaries without any allowance.

(b) The auxiliaries are not required to attend before 6 A.M. No conveyance allowance is given to those attending at 6 A.M.

(c) At Bombay, where inward foreign mails for the whole of India including those for Bombay City are sorted within specified hours, overtime is paid. At Madras and Calcutta where the nature and volume of the work are not the same as in Bombay, steps are being taken to curtail the expenditure on overtime as much as possible.

(d) Of a total staff of about 300 officials attached to certain Departments of the Calcutta General Post Office and to no-delivery town sub-offices, who enjoy all Sundays and Post Office holidays, only 35 men are drafted as auxiliaries for sorting inward foreign mails on alternate Sundays without payment of overtime. 70 of this total staff of about 300 have so far been trained for the sorting work and steps are being taken to train the remainder in batches so as to give greater relaxation to the auxiliaries by spreading the work over the entire staff available.

(e) A limited staff (consisting of 1 Assistant Postmaster, 1 supervisor, 22 clerks, 13 sorting postmen and 10 packers of the Delivery Department) whose regular duties would necessitate their attendance at office on alternate Sundays only but who are required to attend every Sunday for the purpose of sorting the foreign mail are being paid overtime for work on those Sundays on which they would otherwise be off duty. 35 men drafted as auxiliaries on alternate Sundays from other Departments, in which officials enjoy all Sundays and Post Office holidays are required to work for only 4

hours (6 A.M. to 10 A.M.), which is a shorter attendance than that of officials in other Departments of the General Post Office whose normal attendance on Sundays without overtime is generally from about 6 A.M. to 2 P.M., and accordingly no Overtime is paid to them.

(f) In view of the replies to parts (d) and (e) above, Government do not consider it necessary to modify the existing arrangement in Calcutta which was introduced from the 3rd January, 1932.

THE PORT HAJ COMMITTEES BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I beg to present the report of the Select Committee on the Bill to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz.

THE TEA DISTRICTS EMIGRANT LABOUR BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I beg to present the report of the Select Committee on the Bill to amend the law relating to emigrant labourers in the tea districts of Assam.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

The Honourable Sir Alan Parsons (Finance Member) : I beg to move for leave to introduce a Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose.

The motion was adopted.

The Honourable Sir Alan Parsons : I introduce the Bill.

THE LAND ACQUISITION (AMENDMENT) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : I beg to move for leave to introduce a Bill further to amend the Land Acquisition Act, 1894, for certain purposes.

The motion was adopted.

The Honourable Sir Frank Noyce : I introduce the Bill.

THE INDIAN EMIGRATION (AMENDMENT) BILL.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : I beg to move for leave to introduce a Bill further to amend the Indian Emigration Act, 1922, for certain purposes.

The motion was adopted.

Mr. G. S. Bajpai : I introduce the Bill.

THE TRADE DISPUTES (AMENDMENT) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : I beg to move for leave to introduce a Bill to amend the Trade Disputes Act, 1929, for certain purposes.

The motion was adopted.

The Honourable Sir Frank Noyce : I introduce the Bill.

THE CANTONMENTS (AMENDMENT) BILL.

Mr. G. R. F. Tottenham (Army Secretary) : I beg to move for leave to introduce a Bill further to amend the Cantonments Act, 1924, for a certain purpose.

The motion was adopted.

Mr. G. R. F. Tottenham : I introduce the Bill.

THE CHILDREN (PLEDGING OF LABOUR) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : I beg to move for leave to introduce a Bill to prohibit the pledging of the labour of children.

The motion was adopted.

The Honourable Sir Frank Noyce : I introduce the Bill.

THE INDIAN RAILWAYS (AMENDMENT) BILL.

The Honourable Sir C. P. Ramaswami Aiyar (Member for Commerce and Railways) : I beg to move for leave to introduce a Bill further to amend the Indian Railways Act, 1890, for a certain purpose.

The motion was adopted.

The Honourable Sir C. P. Ramaswami Aiyar : I introduce the Bill.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

The Honourable Mr. H. G. Haig (Home Member) : I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898, for certain purposes.

The motion was adopted.

The Honourable Mr. H. G. Haig : I introduce the Bill.

The Assembly then adjourned for Lunch till Four of the Clock.

~~1931~~ ~~Thursday~~ re-assembled after lunch at Four of the Clock.
Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

MOTION FOR ADJOURNMENT.

COMMUNAL DECISION OF HIS MAJESTY'S GOVERNMENT.

Sardar Sant Singh (West Punjab : Sikh) : Sir, I beg to move the
4 P.M. adjournment of the business of the Assembly for the
purpose of discussing a definite matter of urgent public
importance, namely.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order,
order. The Honourable Member should move that the House do now
adjourn.

Sardar Sant Singh : Sir, I beg to move that the House do now
adjourn.

Sir, there can be no gainsaying the fact that since the day the fore-
cast of the communal decision was published, it roused the bitterest opposi-
tion particularly in the Punjab and generally in the whole of Hindu
India. Even the best advocates of the decision have not dared to call it
a just decision or one which will satisfy all the communities in India. But
they have taken their stand on the fact that it was forced upon His
Majesty's Government to give this decision ; and secondly, those who have
given this decision have stated that this is an honest attempt on their part
to settle the communal differences between the various communities for the
simple reason that the communities themselves could not come to any
decision. Sir, my position is that the Government of India blundered from
the very first day when they recommended the nomination of members to
the Round Table Conference. Instead of asking the legislatures of the
country to elect their representatives to go and discuss the constitutional
issue in England they chose the worst possible course of nominating those
who did not represent the people. Those persons who were nominated
mostly represented organisations which are known to be the most reaction-
ary in the country. The legislatures were overlooked. Communal re-
actionaries were put there, if I may say so, with the sole object of showing
to the world that communal differences cannot be settled in India by the
Indians. There was a school of thought which held this view and I think
the natural sequence of events has shown that those persons who believed
that a state of affairs like that would be brought about have proved to be
better prophets. Now, Sir, to say that the Government of India and His
Majesty's Government in England were forced to give a decision is any-
thing but a correct reading of the situation. Again, Sir, the worst time
came when the second Round Table Conference met in England and the
Labour Government was turned out of office. A new election took place
and in that new election the Conservative element became too strong and
our friends the representatives of the Muslim community played into
the hands of Sir Samuel Hoare. It is a notorious fact that at White-
hall in the presence of Sir Samuel Hoare the minority pact was given
birth to. In that minority pact it was represented to the British public
that 44 per cent. of the population have joined to settle this communal
issue in a particular manner. But I will show later on that a slavish sub-
mission to the minority pact entitled those to better rewards ; and which
were actually bestowed on them by this particular decision of His

[Sardar Sant Singh.]

Majesty's Government. As regards the second point, whether it is an honest attempt on the part of the British Government to settle the differences, I take my stand upon the decision itself. Here I will take you very briefly through the claims that have been made by the Muhammadan community from time to time, and those claims mainly consisted in the minutes written by Sir Fazl-i-Husain (Honourable Member of this House now on leave), by Chaudhuri Zafrulla Khan, the present Honourable Member, by Captain Sikander Hyat-Khan, at present His Excellency the Governor of the Punjab, and by other influential people. In that Sir Fazl-i-Husain while proposing a constitution for the Punjab wanted that out of the proposed strength of 125 members, the Muhammadans should get 63, that is to say, one seat over and above the combined strength of the rest of the communities. Similarly, Captain Sikander Hyat-Khan and Chaudhuri Zafrulla Khan in their minutes when they were assisting the Simon Commission Committee wrote that out of a proposed strength of 165 the Muhammadans should get 83,—again one seat over and above the combined strength of all the other communities in the Punjab. These recommendations were rejected by the Simon Commission, a Commission which was boycotted particularly by the Sikhs and by others also. In their report,—I have no time to read the whole passage,—they justly said that they would not be justified in recommending to Parliament the adoption of the Muslim point of view for the simple reason that the Sikhs and the Hindus were strongly opposed to it and it is not just that they should be granted a statutory majority in the Punjab against the wishes of the Sikhs and the Hindus of the Punjab. After the Simon Commission came the dispatches sent by the Government of the Punjab and the Government of India. In those dispatches the Government of the Punjab went so far as to say that 49 per cent. should be conceded to the Muhammadans and the rest should be given to the other communities. Now, in paragraph 232 of the Montagu-Chelmsford report they said that the Muhammadans are given separate electorates not because they are a majority community but because they form a minority community so far as the voting strength goes. Even at that time separate electorates were granted to them for being in a minority and not in a majority. But here comes the Communal Award by His Majesty's Government. The claim was made by the advocates of Muslim majority that one seat over and above the rest should be given to the Muhammadans in the Punjab. It was for the first time in the minority pact to which I have already alluded that they claimed 51 per cent. The claim was raised because they were sure of the support that they had got from the Conservatives in England. But this decision strangely enough concedes 52 per cent., one per cent. more than the Muslims ever claimed. Out of the strength of 175 seats, 86 are guaranteed in the general constituencies to the Muslims; and it will be news to several Honourable Members of this House to know that in the Punjab there is a constituency known as the Tumandars' constituency and it boasts of 9 voters. I do not think any constitution in the world boasts of such a big constituency as the Tumandars' constituency in the Punjab. They are all Muslims and so that seat certainly goes to a Muslim. Out of the four remaining landlords' seats, it is said in the decision itself that two will most probably go to the Muslims. That makes a total of 89. Again out of three seats allotted to labour, there can be no doubt that two will go to the Muslims.

An Honourable Member : Why ?

Sardar Sant Singh : Why, because the Muslims form the bulk of labour. That is to say, 91 seats out of 175 will go to the Muslims which means 52 per cent. Those who say that they have not got a Muslim majority in the Punjab are absolutely wrong ; the facts are against them. Therefore the Muslims have got 7 seats over and above the combined strength of the rest ; thus they get 91 while the others get 84. My submission is that this decision does the greatest injustice to the Sikhs of the Punjab who pay 40 per cent. of the land revenue and who supply double the number of the Muslims in the Punjab to the Army in the defence of the country.....

An Honourable Member : Not at all.

Sardar Sant Singh : They do ; study the figures and you will know it. Similarly they have the greatest stake in the province ; their religious places, their culture and the important places which a human being loves to call his own are all in the Punjab and we find that the Sikhs have been treated most unjustly in this affair. Before this Award was published I addressed a letter to His Excellency the Governor General in which I stated the situation that will arise if communal majority was guaranteed to the Muslims in the Punjab Council. In that letter I said :

“ Such a demand is unheard of in the constitutional history of any country and is diametrically opposed to the principles of democracy. The Sikh community is the minority community in the province yet as Your Excellency must be aware has all along stood for these principles and all their seventeen demands are based on these principles. I need not reiterate here these demands of the Sikh community as Your Excellency and Your Excellency's Government is, I believe, fully acquainted with them. The press reports have now agitated the mind of the Sikh community to almost a breaking point and I in the capacity of a member of the Legislative Assembly representing as an elected member half of the Sikh population of the province owe it to myself, to Your Excellency's Government and the Sikh community to acquaint Your Excellency that the Sikh community to a soul is not prepared to accept or submit to the statutory majority of the Muslim community in the Punjab.”

Later on I said :

“ In conclusion I respectfully, but with all the earnestness at my command request Your Excellency's personal intervention even now to insure that the mistake of granting a statutory majority to the Muslim community is not made by His Majesty's Government in England with whom now rests the decision of this question without fully appreciating the actual feelings of the Sikh community in this matter. Without being taken as holding out a threat, I consider it my duty.....”

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order : the Honourable Member's time is up.

Sardar Sant Singh : May I have just one minute to close my speech ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I do not wish to extend the time even by a minute. As so many Honourable Members desire to speak, the Chair has decided not to allow more than fifteen minutes to any Member.

Sardar Sant Singh : With these words, I move the motion.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Motion moved :

“ That the House do now adjourn.”

Mian Muhammad Shah Nawaz (West Central Punjab : Muhammadan) : Sir, political memories are notoriously short and the Honourable Member who has just moved his motion has forgotten the history of the communal problem. India's proper course was to go to England with a complete electoral plan merely leaving for discussion the extent of transfer of responsibility. But despite repeated and prolonged attempts to solve the communal problem both in India and in England the problem remained unsolved ; although it looked at one time that the communities were very close together. The allocation of one seat in the Punjab was all that practically divided the communities ; and I must say that the Sikhs are responsible for the failure. My learned friend now says " Oh, the Government recommended certain members on the Round Table Conference who did not have a representative character ". Sir, I do not agree with him at all. I must say that the Round Table Conference had a representative character ; but unfortunately they could not come to a decision on the communal issue. The breakdown at the Round Table Conference had a very unfortunate effect ; it drove the minorities, angry and disappointed, to the arms of the others, to the opposite extreme, with the result that at the close of the second Round Table Conference, the communities were divided further apart from each other than ever. It was only when the Consultative Committee came to a deadlock and directly asked the British Government to intervene that the British Cabinet agreed. There is no manner of doubt that the Prime Minister has made an honest attempt to hold the balance between conflicting claims of the communities. The issue had to be forced in the interest of immediate self-government. Mr. President, whatever may be the merits and the demerits of the Award, and whatever may be its imperfections, and no human agency is infallible ; whether the Award is good, bad or indifferent, there is no manner of doubt that it has removed an obstacle from the path of constitutional advance, thereby enabling us to concentrate our attention upon the solving of many issues that still remain to be decided in the field of constitutional reform. The Award does not pretend to satisfy all parties. Indeed an equitable decision fair to everybody will fully satisfy nobody.

Well, Sir, the provisional character of the Award cannot too strongly be emphasised. If we are not satisfied with the Award, if the Award is unpalatable to the communities, two courses are open to us ; either we must come to an agreed settlement if we can, or accept the Award as it is. If happily we can come to an agreed settlement there is no doubt that under the conditions of the Award the British Government and the British Parliament are bound to accept it before India Act becomes law. That is a very fair and accommodating offer. Now, Sir, my able friend says that injustice has been done to the Sikhs in the Punjab. The position is this : the Government has not given statutory majority to the Muslims of the Punjab. Only 86 seats are given to them out of the total number of 175 seats by means of separate electorates, leaving it to them to get their complete majority from the ten special constituencies. My learned friend is quite wrong when he says that Muslims would have been satisfied with 50 per cent. of the total seats. The Muslim Conference and the Muslim League have always passed resolutions to the effect that the Muslim percentage in the Punjab should be 56 per cent. Mr. President, mere angry protests and threats are stultifying, without carrying the germs of constructive effort. Has my friend produced any constructive electoral scheme ? He has pro-

duced none. Threats of boycott and obstruction, a form of folly which has done India so ill in the past, are worse than futile. They create a breach which might take many years to heal and destroy all hopes of peaceful self-government by accentuating bitter feelings. In fact, any attempt to rail at this Award will put an obstacle in the way of an agreed solution. The Muslims gave their scheme to the Sikhs but they did not accept it. Now, if they have any other scheme and come forward with it and if it is backed up by their community, then the Mussulmans are ready to consider it. But, Sir, what about the Sikh Council of Action? They have proclaimed boycott or non-co-operation. They are up in arms against the Government and the Mussulmans. Sir, I rejoice to see that a resolution passed by the Sikh Council of Action has been repudiated by 18 Sikh leaders of the Punjab.

Mr. B. Das (Orissa Division : Non-Muhammadian) : Are they leaders ?

Mian Muhammad Shah Nawaz : Undoubtedly they are. The Sikhs should be reasonable ; they have not been reasonable at all. The Sikh percentage has very largely been increased in the Punjab. In Bengal the Muslim majority has been reduced to a minority. It is the fundamental principle of all democratic institutions that no majority should be reduced to the position of a minority or even to an equality. Therefore, the Muslims in Bengal have a very just grievance. Sir, I have no doubt that the time is not very far when greater enlightenment, political sagacity and political experience will bring about communal concord by mutual agreement. After all, communalism cannot stand the test of time ; it must give way, and the time will come, and that very soon, when the diversities of economic interests will produce diversities of political parties. We must accept the Award as it is, pressing on with our high purpose in faith which moves mountains, still achieving, still pursuing and learning to labour and to wait. Sir, I rejoice to see that His Excellency the Viceroy has made an excellent, sincere, and sympathetic speech this morning. His Excellency has given us the outline of the revised procedure. I have no doubt that the best statesmen of India, men devoted to singleness of purpose, men who are determined to overcome all obstacles, will go to England to achieve a lasting settlement between Great Britain and India. Believe me, Sir, that a permanent settlement between England and India will exert the greatest influence on the peace of the world which we all so much desire. I say again, it is not too late yet to solve the communal problem ; but the decision rests with the Indians themselves. If we can solve it, well and good. If we cannot solve it, then we must accept the Award in the spirit in which it is given. Sir, I oppose this motion.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadian) : Sir, I have to say a very few words on this occasion. Friends who are sitting behind me from the two provinces of Punjab and Bengal are primarily affected by this Award. We who come from the south of the Nerbudda, from the provinces of Bombay, Madras and the Central Provinces, are not affected to the extent that people in these two provinces are affected, and I should have been glad if the protagonists of those provinces had taken part in this debate. But my friends are anxious that I

[Sir Hari Singh Gour.]

should voice their feelings, and my friend Mr. Neogy has committed to my charge a short statement which represents his view and the view of his friends in Bengal. I read it to the House :

“ The principal grievance of the Nationalist Hindus in Bengal is not that the Muslims will have the number and proportion of seats that have been promised to them, but that the electorates will be separate and communal in character. This is all the more objectionable in view of the resolution recently adopted by the Bengal Legislative Council favouring joint electorates and also in view of a recent specific legislative measure connected with municipalities in Bengal in which the principle of joint electorates has been actually embodied by unanimous agreement of all the parties concerned.

The second grievance of Bengal is that Hindus who are in a minority there are expected to sacrifice their due proportion of seats for the benefit of Europeans and Anglo-Indians. The Muslims are also to sacrifice a few seats so that the European and Anglo-Indian quota may be made up in Bengal. But this sacrifice is not in proportion to the Hindu and Muslim population respectively, the Hindu minority being asked to contribute to the weightage to be given to the European minority far in excess of the proportion of the Muslim contribution to the same end.”

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh : Muhammadan Rural) : That is not true.

• **Sir Hari Singh Gour :**

“ The third grievance of Bengal is that separate electorates have been imposed upon Bengal whose leaders have themselves in a public meeting protested against it after the publication of the Communal Award.

The fourth grievance of Bengal is that the depressed class problem has been sought to be accentuated there, although the number of people that can justly be described by that name is very small, and that the disabilities are almost nil as compared with the corresponding classes elsewhere.”

My friends in Bengal complain that there is over-representation of the European community there, who are 25,000 in number and have got one-tenth of the total seats.

Now, Sir, these are the grievances of my friends from the Punjab and Bengal. So far as the Members of this House who sit behind me are concerned, their grievance is of a more general character. The Government have declared that, because the Round Table Conference was not in a position to settle the communal question, it became necessary for the British Cabinet to step into the breach and they have done the best they could under the circumstances, and if their Award is not acceptable to the people of India, it is open to the people of India to once more put their heads together and come to a settlement. That is the pronouncement which the Prime Minister has made, and the reply of my friends behind me is that, while it is true that the people of India were not in a position to settle their differences, that is no reason why you should make a settlement which is unworkable. And, what is more than unworkable, it is inequitable to the Hindus and Sikhs who represent between themselves the majority of the population of India. The objection that is raised from these benches to the Communal Award is that after the weightage that has been given to the minority communities and the proportion of seats allotted to them, it is not now possible to bring about a specific solution of the question which might otherwise have been possible had the Award been more just and equitable to all the communities concerned. That, Sir, is, in short, the

gravamen of the complaint of those for whom I speak from these benches. It is perfectly true that the people of India have not been able to solve for themselves this intricate communal problem, and what they have not been able to do during these long years, neither I nor any of my friends within the space of a short speech can succeed in doing. All that we can now present to this House is, as it were, the cut flowers of our examination of this question and to inform this House that, whatever may be the defects of the Communal Award, its principal defect lies in this, that it is uneven and unworkable, and instead of bringing the communities together in the near future, as we all wish that they should be, it will take them wider and further afield and will defer that millenium of the national consolidation which His Excellency the Viceroy so feelingly gave expression to only this morning. (Cheers from the Nationalist Benches.)

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House) : Mr. President, if I intervene early in this debate, I intervene not merely or solely as a Member, a temporary Member of the Government of India. I intervene because I have been associated in one way or another with this problem from the date of the Lucknow Pact of which I was one of the participants. I was one of the committee appointed for the purpose of entering upon the Lucknow Pact, and from that date to this in my non-official capacity I have had something to do with this problem in one or other of its many ramifications.

My Honourable friend the Mover of the Motion used certain caustic phrases with regard to the totally unrepresentative character of the Round Table Conference. In so far as he spoke of the non-representation of this Legislature as such by men elected by the Legislature in its corporate capacity I do not wish to offer any observations. But surely, the Honourable Member forgot that there were some members who belonged to this Assembly and the other House and who may even be said to be prominent Members of the Assembly and the Council of State who were also members of the Round Table Conference. In saying this let me not be understood for a moment to refer to the humble individual who is now addressing this House, and who incidentally happened to be an elected member of the Legislature at the time when he went to the Round Table Conference. But these matters apart, let it be remembered, Mr. President, that it is not the Round Table Conference alone, as the Honourable Leader of the Opposition stated, that failed to solve this problem. All-Parties' Conferences have been held at which many persons who are in this House and many important personalities outside the House joined and collaborated. They were not able to solve the problem. Moreover, it is not alone in St. James' Palace that discussions took place. The members of the Round Table Conference conjointly with prominent men outside that Conference endeavoured to settle the matter. It is an open secret moreover that His Majesty's Prime Minister endeavoured to gather together prominent representatives of the various communities for the purpose of entering upon conversations which might lead to fruitful results. The Chequers conversations are now matters of history. This was in 1930. And I can corroborate the statement of one Honourable Member who stated that it was the dispute as to one seat or two that led to the breaking of the agreement which was well nigh signed. I think I can now disclose what ought to be fairly well known, that in all essentials a compact was agreed to between the most prominent representatives of

[Sir C. P. Ramaswami Aiyar.]

the important communities and a draft was also prepared, and the arrangement fell through because not the spirit of give and take, but the spirit of take more than give sometimes animated a few who were present. The result was that on account of a comparatively trifling controversy the agreement fell through. That was the experience of 1930.

Then came 1931 and its varied experiences,—experiences which exacerbated the depressed classes, which drove apart the minorities and the majorities more than they had been driven apart in 1930, and it was therefore not an extraordinary thing that the Consultative Committee said, face of face with the impasse that occurred when one community or members of one community did not wish to discuss any matter unless this topic was put out of the way—it is not a wonder that the Consultative Committee appealed to the Prime Minister to give a decision. At this time, so far as I remember, almost all Indian journals and newspapers, although they regretted, although they poignantly regretted, the necessity to resort to arbitration or mediation of that character, admitted sorrowfully, but nevertheless firmly that there was no other course. That being so, the Prime Minister has pronounced his Award. There may be matters in connection with it which this community or that community may find not entirely to its liking. It may be stated to be inequitable to this community or over-generous to that community, but it is some settlement of a question which was not otherwise settled. The main point was separate electorates and here no alternative course was possible in view of the attitude of the groups and communities concerned.

And now what remains next? It is not necessary for me to follow the line already pursued by previous speakers. It is not necessary for me to emphasise and re-emphasise the points made in that magnificent speech by His Excellency the Governor General to which we listened with profit and pleasure this morning. But all I wish to say is this, that surely, as His Excellency the Governor General stated, in the actual working of the various Legislative Councils, economic, social and other problems will divide us and not communal problems. And I can speak from my own experience in another province—Madras. The question, called the Non-Brahmin question, at one time assumed a very grave complexion, and at one time the Non-Brahmins were afraid that they would get very inadequate representation. The privilege that was actually given to them, the reservation of seats for a community which really numbered more than 90 per cent. of the total population, was strongly animadverted upon by the minority communities. This scheme has been worked, the constitution has gone on, and to-day, both the communities are working together in comparative amity, intent not so much on the communal aspect of a settlement which at one time threatened to produce very grave cleavages, but intent upon settling economic and really political questions without any intrusion of the communal aspects, except perhaps where the services are concerned. That is a matter which must not be forgotten in these discussions. It must not also be forgotten what indeed has been emphasised and reiterated more than once even in the course of this debate, that if the communities can really come together even now, it is open to them to devise another solution, which according to the Prime Minister would be readily accepted as an alternative.

But I would rather dwell upon another aspect of the matter. Until now all of us have been saying that the object, the motive, the idea of the Indian people is to get responsible self-government, to get some real power in their hands. That opportunity is now before us. If we bicker over this Communal Award and waste our time and energies upon what I may venture to call side issues, we shall not unite, we shall be unable to join forces in the great work which is before us and which is so near us. Union on the fundamental things that matter, union on the form of the constitution, on the methods by which constitutional freedom may be attained,—and as to the necessity and extent of the safeguards contemplated—those are the things that matter now. Shall we not forget the bitterness and bickerings of the past? Shall we not be united upon the task that lies ahead, feeling assured that, as power becomes vested in us and as exercise of power begets comradeship, amity, collaboration and fellow-feeling, these differences which now loom so large would inevitably become intangible, might be forgotten, shall we not work in such a manner that a time may soon come when we shall not be discussing the Communal Award because we shall have much bigger, more crucial and vital issues to debate upon and to resolve? (Applause.)

Mr. A. H. Ghuznavi : After His Excellency's striking speech which we listened to this morning, after the appeal which he had made to all the communities to forget the communal differences and work together harmoniously for the advancement of India, I thought my Honourable friend, the Mover of this motion, would withdraw it, but since he has moved that motion, a most unpleasant duty has fallen on me to give him a complete answer. What is the Sikh grievance, I should like to know. A minority community cannot expect to become a majority. One can understand a majority community complaining that they have been reduced to a minority. Sir, this House must be aware of the circumstances that happened in the Round Table Conference in the year 1930. The Prime Minister of His Majesty's Government was very anxious indeed and he did his very best to bring about a settlement. At the Chequers, when he summoned a small committee, he laid down this principle that he would never advise nor agree to any majority community in any province being reduced either to a minority or an equality. We stand on that principle which he laid down and that is the principle which all democratic administrations must follow, that a majority community cannot be reduced to a minority. If that principle is followed, what have we gained and what are the grievances of the Sikhs. (Interruption.) I do not give way. Our small majority in Bengal and in the Punjab has not been recognised and there you have reduced the majority to a minority. You have not followed that principle.

Mr. D. K. Lahiri Chaudhury (Bengal : Land-holders) : A minority will always be a minority ?

Mr. A. H. Ghuznavi : They must have weightage but we are now dealing with the Sikhs. I may recall to the House the eventful night of the 15th January, 1931, when the Prime Minister had almost solved the most difficult and delicate communal question ; and but for the Sikhs, India would have advanced to-day far more speedily and harmoniously than she has been doing. What was it that did not allow India to progress? The obstinacy of the Sikhs. For the sake of one seat, they

[Mr. A. H. Ghuznavi.]

put an end to this communal settlement. When at the last moment the Prime Minister found that they would not give way, he was prepared to give them a seat, not from the Muslim quota, because he laid down the principle that a majority community cannot be reduced to a minority, but from the Depressed Class.

Sardar Sant Singh : Why have the caste Hindus in Bombay been reduced to a minority ?

Mr. A. H. Ghuznavi : Alas, the Sikh representatives would not accept a seat from the Depressed Class. They wanted their pound of flesh. They insisted on having a seat from the Muslim quota and from nowhere else. It was this that had put a stop to the advancement of India. What is their grievance ? They have got all that they wanted. They must have their pound of flesh from the Muslim quota and will not accept the seat from any other. I would refer now to the Bengal question and to what my Honourable friend Sir Hari Singh Gour has just said. It has been a very bad distribution. I would just give the whole case of Bengal. This communal decision gives us in Bengal 48.4, whereas according to the principle which was laid down we are entitled to a statutory majority of 51 per cent. How is this made up ? The pact which represents 46 per cent. of the population of India laid down that all communities at present enjoying representation in any legislature through nomination or election shall have representation in all legislatures through separate electorates and a minority community shall have nothing less than the proportion set forth in the annexure but no majority community shall be reduced to a minority or even to an equality. According to the pact, in a House of 200, we gave Europeans 10 per cent. According to this decision, in Bengal the Europeans have got all that they wanted. The Anglo-Indians have got all that they wanted. The Christians have got all that they wanted. The pact was honoured only so far as these three communities were concerned. It was not honoured when the question of Muslims was concerned, nor also in the case of the Depressed Classes. Now, let us take the case of Bengal once again. According to the population ratio, 55 per cent. should go to Mussalmans and 43 per cent. to the Hindus. Now out of the 250 seats, you eliminate 25 seats.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadian Rural) : Why ?

Mr. A. H. Ghuznavi : These have been given to the Europeans.

Mr. S. C. Mitra : Why did you agree to that ?

Mr. A. H. Ghuznavi : I did not say that I had agreed.

Mr. S. C. Mitra : Why did you not complain ?

Mr. A. H. Ghuznavi : I wanted the pact to be honoured in all respects.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadian Rural) :
Mr. monkey, dividing the cheese ?

Mr. A. H. Ghuznavi : You will see the position.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member's time is getting on.

Mr. A. H. Ghuznavi : Sir, out of 250 seats, you eliminate 25. There remain 225 seats. Those 225 seats are made up of as follows : 121 go to the Mussalmans, 98 to the Hindus, and 6 to others.

Mr. K. C. Neogy : How do you make up 98 for Hindus ?

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : Better give the calculation to somebody else.

Mr. A. H. Ghuznavi : If the Honourable the President will give me a few minutes more, I shall give the complete picture.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member will have to complete his speech strictly within 15 minutes.

Mr. A. H. Ghuznavi : Sir, according to the communal decision—I hope my Honourable friend, Mr. Neogy, will agree with me now—they have given us 119 seats from the communal electorate and two seats from the special electorates, and they have given the Hindus 80 from the general electorate and 18 from the specials. So they are getting 98 seats,—more than according to the population basis.

Mr. K. C. Neogy : But what about the Dacca University ?

Mr. A. H. Ghuznavi : My grievance is this, that these 25 seats which they have given to the Europeans come from out of the Hindu and the Moslem quota. Now according to the population, we should contribute 14 seats, and the Hindus should contribute 11 seats, but what has been actually done ? They have asked us to contribute 16, and they get the Hindus to contribute 9. That is the point I want to make out in reference to what Sir Hari Singh Gour said,—that we should get two more seats from the Hindus and these should be added to us.

Mr. K. C. Neogy : What about the Anglo-Indians, what about the Christians ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order.

Mr. A. H. Ghuznavi : Sir, this is the position in Bengal, that the majority community has been reduced to a minority. Now as for the Sikhs, they have got all that they want and are entitled to according to the basis of population, and, moreover, they have got ample weightage in addition, but still they say that they will declare civil war if the Award is not reversed.

Sir Abdulla-al-Mamun Suhrawardy (Burdwan and Presidency Divisions : Muhammadan Rural) : They are a war-like race !

Mr. A. H. Ghuznavi : civil war against whom ?

Sardar Sant Singh : Against the Government that will be in power,—against the Government that will bestow on you these numbers.

Mr. A. H. Ghuznavi : Sir, what could be the domination of Mussalmans who are in a majority of one per cent. ? You call that domination, domination by the Mussalmans that you cannot tolerate !! What about the six other provinces ? Why, the Mussalmans do not say a word about the position there ? Are not the Mussalmans in a

[Mr. A. H. Ghuznavi.]

microscopic minority there, and don't the Hindus dominate there? (Hear, hear.) Taking my friend, Sir Hari Singh Gour's point,

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. The Honourable Member's time is up.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Sir, it so happens that I am the first speaker that is neither a Sikh, nor a Mussalman nor a Hindu. (*An Honourable Member* : "You are in a happy position.")

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Therefore, you are more dangerous.

Sir Cowasji Jehangir : And I am in the unhappy position of not having any complaints to make. But the speech made by Sir Hari Singh Gour raises issues of the greatest importance. He really contests the principle of separate electorates. Now, who is there in India, Hindu or Muhammadan, who thinks democratically, and yet who will agree to such a vicious principle as separate electorates for a democratic country (Hear, hear) and who has not protested against this principle for years and years ? Sir, it was amusing to find the effect it had on statesmen in England when they heard what really separate electorates meant ; and I am giving away no secrets when I tell this Honourable House that there were no greater opponents of the principle of separate electorates than the British statesmen in England when they first realized what separate electorates really were, and on what that principle was based and how it was sought to be operated. But, Sir, that principle was confirmed in our constitution by way of a compromise under the Lucknow Pact.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : No, as part of the Minto-Morley reforms.

Sir Cowasji Jehangir : So, if we are to-day to complain that this Award contains this vicious principle, should we not turn the search-lights on ourselves rather than condemn others for it ? (Hear hear.) I ask my Hindu friends, if Government had acted according to their own desires and had insisted on joint electorates, what would be the position in India to-day ? I venture to say that the overwhelming majority of the Mussalmans, numbering 70 millions in this country, would have repudiated that Award and refused to co-operate in any further advance for our common motherland. What is much more, at the Round Table Conference, the greatest representative of what is called the greatest political institution in this country, Mr. Gandhi, agreed to separate electorates for Mussalmans and Sikhs. And if, after that agreement,—after the expressions of opinion from the most representative Muhammadans,—the Government had insisted on having joint electorates with reserved seats, I do not know what sort of criticisms we would have heard in this Honourable House to-day ! Therefore, to base your objections to this Award on the score that it contains this vicious principle of separate electorates is to condemn yourself whole-heartedly, to condemn the mutual agreement you came to 15 years ago, and to condemn the great leader whom many of my Honourable friends follow, who himself agreed to this vicious principle.

(Hear, hear.) If you hold that the constitution has to be accepted by a vast over-whelming majority of the largest minority community, then I must respectfully contend, that you have knocked the bottom out of any strong condemnation of the Award that has been made.

5 P. M.

Now, Sir, if we forget this question of the separate electorate and accept it as inevitable, what is there left to complain about. Sir, we are told that this principle has been carried too far. If you once allow it to the Muhammadans, can you refuse it to my friends the Europeans? Can you then refuse it to the Anglo-Indians? I admit that with Indian Christians there is a considerable amount of difference of opinion. In the south, I understand, they demand it; further north, they are prepared to come into the joint electorates. It is an open question. Still, let the Indian Christians decide for themselves whether they want reserved seats in joint electorates or a separate electorate, and the question can be solved. (*Mr. B. Das* : "What about the women?") Now, Sir, the point has been raised that women ought to have been put in a joint electorate. I, for one, who has most reluctantly accepted the principle of separate electorates, cannot conceive of an objection brought forward against women also being put into separate electorates. Do my Honourable friends mean to contend that my Muhammadan friends are to go into one electorate and their wives and their daughters are to go into another electorate? (Laughter.)

Mr. K. C. Neogy : Mrs. Shah Nawaz is prepared to do that.

Mian Muhammad Shah Nawaz : Nothing of the kind. You have misunderstood Begum Shah Nawaz.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I would ask Honourable Members to allow the speaker in possession of the House to complete his observations uninterrupted as far as possible.

Sir Cowasji Jehangir : Can you possibly mean to say that the Muhammadan community should be divided, men, women and children, into separate electorates? Having admitted the principle of separate electorates, how can you logically contend that the wives should be put into joint electorates and the husbands into separate electorates? If you do agree to that the Muhammadans will justifiably claim that their quota shall not include women. If you give them 49 per cent. in the Punjab, they will say that because their women are put into joint electorates, they should have extra seats reserved for them. Where are those seats to be found? This objection to women is as illogical as, I readily admit, it is wrong in principle to accept separate electorates.

Now, Sir, the main point is about the Depressed classes, and I am prepared to admit that the Award may have been a little different to what it is. I am not going into the history of the question as to how it came about that separate electorates were suggested for the Depressed classes. It is a painful and long history, of which my Honourable friend the Leader of the House is well aware and also how it came about that Government had to consider such a question. But there is a difference of opinion in the community itself and it was only the force of circumstances that made their representative Dr. Ambedkar claim separate electorates. He did not claim it at the first Conference; he only claimed it at the second Conference and I am prepared to admit that the force of circumstances made him do it. I am also prepared to admit to-day that it would be a mistake to give

[Sir Cowasji Jehangir.]

the Depressed classes separate electorates. It will, Mr. President, grow into a question not of constitution but of national sentiment. You are splitting the Hindu community into separate and joint electorates. You are introducing a new principle of giving a section of a community separate electorates, and since there is such a difference of opinion in the community itself, I think that that error might well be remedied by the Depressed classes coming to terms and insisting that they shall come into joint electorates.

Sir, there is one more thing I would like to criticise merely just in passing, namely, that this Award might have included a germ of joint electorates. There are a number of Muhammadans who desire joint electorates with reservations of seats. That fact cannot be denied. There might have been a provision to allow such Muhammadans to come into the joint electorate if they so desired. It was a suggestion that was put forward and was considered and I regret it is not included in the Award.

Now, Sir, I have nothing further to say. If this Award has dissatisfied some, the fault is our own and the remedy lies in our own hands, and if we cannot remedy this fault, then there is nothing left to us but to accept it. And I would like to repeat the sentiments placed before this Honourable House in such eloquent terms by the Leader of the House that it is unity and unity alone that will help the advance of this country towards self-government. If there is anything that has retarded self-government and if to-day we find ourselves in the position in which we are in this Honourable House,—an Opposition merely in name,—it is due to want of unity amongst the communities in India. If there had been unity 10 years ago, I venture to say that this Honourable Opposition would have been in a much more powerful position than it is to-day. And I venture to say that if there had been this unity 10 or 12 years ago, the Opposition would, by right, have been seated on the opposite benches. And if this disunity continues, I venture to tell my Honourable friends that it will be years and years before they will have the right to claim to sit on the benches opposite. They have to take their choice. The acid test is : are you really anxious, are you really determined to take the place of my Honourable friends opposite ? If you are, then we should hear no more of communal trouble. If you think that the communal question is of greater importance than the great question of going to the opposite side, then continue your communal squabbles and give up all hope of taking into your hands the reins of office.

Mr. N. M. Joshi (Nominated Non-Official) : Sir, it is very difficult to speak on this delicate question. It easily rouses passion and extreme heat even in this cool atmosphere of Simla. But, I feel that it is my duty that I should place before this House my views on this most vexed question. There is hardly any one here who will say that the decision of His Majesty's Government is a perfect one. So far as I am concerned, I feel that the decision violates many sound constitutional principles. It is against sound principle that there should be constituencies based upon religion or race. It is against sound principle that weightage should be given to one community at the cost of another. Not only is the decision wrong in principle, but the decision is unequal in its application. Sometimes weightage is given to one community, sometimes it is denied to another community I see that in some provinces general constituencies

are made of a majority community, while in some other provinces general constituencies are made of a very small minority. But although I feel that this decision is wrong in principle and unfair and unequal in its application it is a decision which it would be wisdom on our part to accept at this moment, without any wrangling. I am not one of those people who feel that it was a great sin or a great fault that we could not come to a settlement amongst ourselves. If we could have settled the question among ourselves, it would have been much better, but certainly many people in the world would have been wrangling as we did when they were faced with the issues with which we were faced. Moreover I am not one of those people who will absolve the Government from at least some share of blame for bringing this question into existence. I therefore feel that His Majesty's Government only did their duty in giving a decision on this question. I feel that it will be prudent for us now to accept the decision. It is wrong for us to continue this quarrel and wrangling amongst ourselves. My Honourable friend Sir Cowasji Jehangir has stated that if we are going to get self-government, we can get it only by unity amongst ourselves.

Bhai Parma Nand (Ambala Division : Non-Muhammadan) : Who is responsible for this lack of unity ? Who is in the wrong ?

Mr. N. M. Joshi : Sir, my master and your friend, the late Mr. Gokhale, used to tell us in private conversation, which I do not mind repeating here in public, that in India we have a political triangle. We have the foreign Government, we have the Hindu community and we have also the Muslim community. Mr. Gokhale being a mathematician used to say that as in geometry, so in politics, any two sides of a triangle are greater than the third. I wish that Members assembled here do recognise this profound truth. We want self-government and we shall get it if the Hindus and Muhammadans combine. We shall get it only if there is unity between the two communities. I feel, therefore, that whatever may be the merits or demerits of this decision, it should be accepted by all people with good grace.

Before I conclude, I wish to make a few remarks in order to show that although this decision may have defects, it is possible for us, if we take precautions, to remedy some of the evils which may come out of this decision. The fight between Hindus and Muslims is a fight which I have seen only among the educated classes. I have been connected with a movement which belongs to the masses and workers of this country. I have not seen them fighting amongst themselves. I have seen our political movements suffer on account of quarrels between Hindu and Muhammadan educated classes. I have not seen a single strike which was broken on account of a fight between Hindu and Muslim workers. The evils of this decision can therefore be mitigated if we take steps to send to the legislatures a strong body of representatives of Hindu and Muslim workers and not those of the middle classes. I therefore feel that if we believe there are evils in this decision, we should insist that the future constituencies in this country should be based on adult suffrage so that we shall at least have taken some steps by which the future legislatures of this country will adequately represent the masses and workers and not only the middle classes.

Sir Cowasji Jehangir : Do you mean only the masses and workers ?

Mr. N. M. Joshi : If we do this whatever may be the evils of this communal decision, I have no doubt they will be mitigated to a great extent. I therefore hope that this House will accept the decision as it is with all its defects and will not fail to take steps to see that the evils of this decision are mitigated by the adoption of adult suffrage.

Rao Bahadur M. C. Rajah (Nominated Non-Official) : Sir, I am extremely thankful to my Honourable friend Sir Cowasji Jehangir for giving the House certain information as to what the representatives of the Depressed classes demanded in the first Round Table Conference. He said that my friend Dr. Ambedkar demanded only joint electorates at the first Round Table Conference.

Sir Cowasji Jehangir : With reservation of seats.

Rao Bahadur M. C. Rajah : Yes, with reservation of seats and that certain force of circumstances made him demand separate electorates at the second Round Table Conference. I do not know what those circumstances were.

Sir Cowasji Jehangir : I thought the Honourable Member was aware of those circumstances.

Rao Bahadur M. C. Rajah : Whatever they may be, Mr. President, let me to-day voice the sentiments of all sections of the Depressed classes in expressing our deep disappointment and dissatisfaction at the British Cabinet's solution of the communal problem in India. I say the sentiments of all sections, because unfortunately before the so-called Communal Award was given, there were two voices heard on behalf of the Depressed classes. One was in favour of separate electorates and the other was for joint electorates with reservation of seats. Thanks to the decision of the Cabinet, the two sections are now united in expressing disapprobation of the proposed arrangement. Both of them had proceeded on the assumption that their interests would be adequately protected by their getting representation at least in proportion to their numbers, if not in greater proportion considering their social status. Taking this for granted, they concentrated their attention on the question of separate or joint electorates. The communalists, especially, at the Round Table Conference, were able to persuade the two delegates of the Depressed classes in the Conference to join them and prepared a pact, called the "Minorities Pact", to which they were able to secure the signature and support of the Depressed classes delegate. It looked at that time that the union with the other minorities would greatly strengthen the Depressed classes. But when the allocation of seats to the several communities proposed in the pact was studied closely, it was found that in most provinces the Depressed classes were getting less than they should get on the population basis, whereas the other minorities like the Muslims and Europeans made themselves sure of getting as much and even more. This gave room for serious thought among the Depressed classes and other leaders outside the Conference. They began to suspect and the suspicion soon came to be a conviction that they were being let down by the Depressed classes delegates at the Conference and their interests unwisely sacrificed. For, how could the other minorities get what they wanted, some of them out of proportion to their numerical strength, except by cutting down the representation of the poorest of the poor minorities, since there was a limit to the paring down of the repre-

sentation of majority communities? This is what often happens when the weak make common cause with the strong against those whom they consider to be stronger than them all. It is the old story of the fox asking the goat to get down the well and after getting on the back of the goat and getting out of the well, leaving the foolish goat in the lurch. If you think the parable is not just to the other members of the pact, let these communities, the Muslims and the Europeans, come forward now to denounce the Communal Award for the injustice done to the Depressed classes and agree to forego some of the seats assigned to them in order to secure adequate representation to the Depressed classes. I hope they will do this. They are in honour bound to do so, and a representation proceeding from them on behalf of the Depressed classes will go a long way to get the Award changed so far as the Depressed classes are concerned. A pact means that all the parties to it bind themselves to sink or swim together and not leave one behind while themselves rushing ahead. Mr. President, this disparity in the representation proposed in the Round Table Conference minority pact opened the eyes of my community to the futility of separate electorates and made them consider whether they would not do better to throw in their lot with the majority community in joint electorates, only making sure that sufficient representation was secured to them through reservations to give them an effective voice in the Councils of the land. It was felt that being an integral part of a general electorate with safeguards in the shape of the reservation of at least a proportionate number of seats was better than being a separate community with a separate electorate with less number of seats. It was at this time, Mr. President, that the Prime Minister on the 1st December, 1931, declared in England that whatever else of the present constitution making was to materialise or not, autonomy in the provinces was as good as a settled fact. This meant that the protecting arm of the bureaucracy was to be withdrawn and that the Depressed classes should stand on their own legs and make themselves felt in the body politic by influencing and being influenced by the other communities constituting the majority. For this purpose they should be an organic part of the joint electorate with sufficient seats reserved for them. They should get the candidates of their communities approved and supported by other communities and the other communities should get their candidates approved and supported by our community. This reciprocal arrangement we thought was more conducive not only to nationalism but also to the levelling of the various communities and the social, economic and intellectual uplift of our community. It is by engaging in a common task with others that we can break down prejudices however deeply rooted they may be and not remain untouchables in a separate electoral roll. As a minority community with a separate electorate our influence will be circumscribed, whereas, as a strong section of a general electorate our influence will be unlimited. Sir, we are glad that the British Government has realised this and put us in a joint electorate, but under what conditions? We could vote for members of other communities but other communities could not be compelled to vote for our candidates. This has been our grievance and the Cabinet chooses to have this grievance unredressed and satisfies us with giving us a double vote—a complimentary vote and a vote which gives us a candidate from our community who is not likely to command the support of other communities in the Council. Sir, this Communal Award is going to make us politically amphibious.

[Rao Bahadur M. C. Rajah.]

strong neither on land nor in water, numerically weak in a separate electorate and politically ineffective in a joint electorate. This Award satisfies neither the clamourers for separate electorates nor the advocates of joint electorates. It sets the seal upon the betrayal of the community by the members of the Round Table Conference minority pact. Sir, look at the number of seats given to the Depressed classes of the Punjab. It is nil. In spite of the recommendations of the Indian Central Committee on which there were two distinguished sons of the Punjab, my Honourable friend Sir Zulfikar Ali Khan and Sardar Sivhdev Singh Uberoi, in spite of the recommendation of the Simon Commission and in spite of the recommendations of the Lothian Committee, His Majesty's Government thought it fit to ignore the Depressed classes of the Punjab. No greater injustice could be done to the poor Depressed classes of the Punjab than this. Sir, what we want therefore is primarily an increased representation, at least proportionate to our numbers in each province. About this the whole community is unanimous. For numbers count in Councils as well as elsewhere. How does it profit our community if you shut them up in a separate electorate and cut down their numbers or if you allow them to vote in a joint electorate in which you do not guarantee the election of a sufficient number? Number, number, number is the essence of an election and number through a general national electorate will be more effective politically, socially and economically than through a purely communal electorate.

Several Honourable Members : The question may now be put.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That the question be now put.”

(A division was claimed and Members in favour of the closure were asked to rise in their seats.)

Sir Hari Singh Gour : Sir, I suggest that we should divide and go into the lobbies, because many of the Honourable Members would like to have it on record.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : As the time at our disposal is limited, I propose to adopt a different procedure on the present occasion in regard to the division which has been claimed. I will ask those who are in favour of accepting the closure to rise in their seats and I will call out their names which will be taken down by the official reporter.

(The following Members rose in their seats to support the closure : Sir Hari Singh Gour, Mr. C. S. Ranga Iyer, Mr. T. R. Phookun, Mr. B. R. Puri, Mr. Gaya Prasad Singh, Sardar Sant Singh, Mr. K. P. Thampan, Raja Bahadur G. Krishnamachariar, Mr. Amar Nath Dutt, Mr. B. Das, Mr. K. C. Neogy, Kumar Gupteshwar Prasad Singh, Mr. Lalchand Navalrai, Sirdar Harbans Singh Brar, Lala Hari Raj Swarup, Mr. B. Rajaram Pandian, Mr. P. G. Reddi, Lala Rameshwar Prasad Bagla, Mr. S. C. Sen, Bhai Parma Nand, and Mr. D. K. Lahiri Chaudhury.)

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Those who are against the closure will now rise in their seats.

(A large number of Members stood up.)

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : It is not necessary to take down the names of those who are against it.

The motion was negatived.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, on a point of order. I should like to know the procedure in regard to calling of the speakers because more supporters of the Award have spoken so far than opposers.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : That is not a point of order.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Mr. President, the Honourable the Mover of this motion seemed to complain mostly that by this Award the Muhammadan community has gained a very unfair advantage ; and that is really also the gist of the complaint of other Honourable Members who have attacked this Award. Now, I would like.....

Mr. C. S. Ranga Iyer : On a point of order. I should like to know, because there were several people who were neutral, who exactly were the supporters of the Communal Award.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Chair has given its ruling and has taken down what it thinks is a fair record. Nothing more will be allowed on the point.

(Mr. C. S. Ranga Iyer again rose in his seat.)

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Will the Honourable Member please take his seat ? I have given my ruling.

Mr. K. C. Neogy : On another point of order : I was given to understand that it was the Chair's desire that not more than one speaker should be nominated from each party to participate in this debate ; it was on that understanding that I did not rise.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Chair tried in co-operation with party leaders to decide how the speakers should be called, but Honourable Members must bear in mind that absolute discretion vests in the chair in deciding who should address the House.

Mr. C. S. Ranga Iyer : But the Chair arranged the speakers beforehand. ("Hear, hear" from the Nationalist Benches.)

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : That was for facilitating discussion. On the floor of this House the Chair has absolute discretion to call speakers as would in its opinion lead to a fair debate.

Sir Abdur Rahim : I should like the House to consider the Award as a whole and its effect upon the communal position in the entire country. If my friends on the right regard the Award as a communal picture of the entire country, then I am sure they will be convinced that no injustice has been done either to the Hindu or to the Sikh community, nor has any favour been shown to the Muhammadan community. What is this Award ? The Award lays down that so far as the provinces are concerned, representation by communities will be in certain proportions. I shall begin with Madras. In that Presidency the Hindu community will have a very large majority, such a majority that they can carry on the Government solely by themselves and, if they like,

[Sir Abdur Rahim.]

entirely in a communal spirit. I do not suggest for one moment that the Hindus of Madras will act in that way. Take the case of Bombay. In that Presidency also, the Hindus will have a working majority if they want to form a communal Government.

Sardar Sant Singh : In Bombay, the caste Hindus have been reduced to a minority.

Sir Abdur Rahim : I am not talking of the caste Hindus. I am taking the Hindus as a whole. Then take the United Provinces. The Hindus will have such a large preponderance that if they want to exclude members of any other community from the Government they can easily do so. The same in Bihar. The same in the Central Provinces; and in Assam also the Hindus will have a very fair majority. Then remain the Punjab and Bengal. As I understand it, the contention is that the Award is especially disadvantageous to the non-Muslim communities in these provinces, a very strong proposition indeed—a proposition which cannot be justified for one moment. What is said is this : in Bengal which is my province, the Hindus are in a minority according to the Award, and that the Muhammadans, if they combined with the Europeans, could carry on the Government disregarding the Hindu element altogether. Now, I ask every Honourable Member of this House who has had experience of legislatures and how legislatures are worked, is it possible for the Muhammadans in Bengal who have been given 119 seats out of 250 to carry on the Government with the help of 29 representatives of the European and Anglo-Indian communities—25 Europeans and 4 Anglo-Indians ? The question is this : is it not inevitable that there will be political divisions among the representatives of every community ? The Muhammadans in Bengal, as we know from past history, have been so divided and they will remain divided ; and so will be, I suppose, the Hindus, simply because there will arise many questions of an economic character and the like which will divide the legislature into political parties. If that be so, is it possible for the Muhammadans of Bengal to carry on any sort of Government without the co-operation of the Hindus of Bengal ? Absolutely impossible. If the Muhammadans can produce capable leaders, then, I take it they will form the Government ; on the other hand, if the Hindus produce more capable leaders, they will form the Government ; but it is absolutely essential, according to this decision of the British Government that the Hindus and Muhammadans of Bengal must join together if they are to carry on any stable Government at all. It may be theoretically possible that 119 Muhammadans and 29 Europeans and Anglo-Indians, if they all combined, can run the Government. But this is not at all likely having regard to what has happened in the past and what is certain to happen in the future.

The same as regards the Punjab. In the Punjab the European representation is negligible. The Muhammadans there, supposing they have 52 per cent. of the seats, is it to be thought of for one moment that all the Muhammadans will combine together and will remain so combined and form a Government ? This is absolutely out of the question. They will have to rely on the other elements in the legislature, namely, the Hindus and the Sikhs. Therefore, so far as these two provinces are concerned, the result of the decision of the British Government will be that the Hindus and Muhammadans and Sikhs in this province, and the Hindus and Muhammadans in Bengal must all co-operate together if they

are to carry on the Government at all. Where is the injustice to any community in that ? So far therefore as this decision affects these two provinces, instead of condemning it, I should say that these two provinces stand to profit most from a national point of view.

It is possible to have communal Governments in the other provinces, but certainly this is not possible in the Punjab or Bengal. Is that the outlook which is objected to by my friends on my right, that the Hindus and Muhammadans will be compelled in Bengal and the Punjab to form a national Government. If they are so badly divided among themselves that 29 men out of 250 men will always turn the balance, then I should say that the people of Bengal do not deserve self-government. If however the Hindus and Muslims of Bengal display the right spirit,—and they will have to do it for the sake of the country,—they will carry on the Government by mutual co-operation. There cannot be a solely Hindu Government or a solely Muslim or a Muslim-*cum*-European Government there. It is impossible. Should not the Hindus and Muslims who call themselves nationalists really co-operate in the future Government of this country ? That, Sir, is the real position in the Punjab and Bengal. What may happen in the other provinces, it is very difficult to foretell. I am not very pessimistic about Madras. From what I know of Madras and its people, they are not very communally minded. I believe, in Bombay also the situation can be saved. But as regards the other provinces, I feel very doubtful, but I do hope and trust that time will work the necessary change, that time will bring about that spirit of genuine nationalism which will throw into background all these communal differences, because, after all, we have a great deal of work to do for the country. The whole country requires to be uplifted ; the millions of our people are now sunk into degraded poverty and illiteracy of the worst kind. Are we to suppose for a moment that we shall have no political leaders who will have a wider vision than the present communal outlook ? I am sure, when they are saddled with responsibility, they will realise at once what a vast amount of work lies before the country and then they will forget all petty differences between Hindus and Muhammadans. (Applause.)

Mr. G. Morgan (Bengal : European) : Sir, like my friend, Sir Cowasji Jehangir, I am neither a Hindu, nor a Muhammadan, nor a Sikh.

An Honourable Member : Nor a Parsi.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : But you have got the lion's share.

Mr. G. Morgan : All the communal points in connection with this Award and its ramifications and its details with regard to conferences and the Round Table Conferences have been ably put forward by previous speakers in the House this afternoon. I am only going to stick to the main points which were put before us by His Excellency the Viceroy this morning, and I will repeat those three points which His Excellency made :

(1) Accept the Award ;

(2) Come to an agreement amongst yourselves,

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Leaving foreigners and Europeans aside, Indians can come to an unanimous agreement.

Mr. G. Morgan :(3) or stop all constitutional advance.

Now, the last, I take it, is unthinkable considering how far we have gone ; so it comes to accepting (1) or (2). We have got the option to accept the Award, or if you do not like the Award that has been given, then agree amongst yourselves if you want another. Now, Sir, the real point is that the communal question has been the greatest obstacle in getting on with the question of constitutional advance. Many of my Honourable friends have pointed out how the stoppage occurred at the Round Table Conference, and I need not go into that—the stoppage did occur—and His Majesty's Government took upon themselves the thankless task of saying that if no agreement could be come to in India or in the Consultative Committee or amongst the communities themselves, they would issue an Award in order that the constitutional advance should not be stopped. That was the main point. If we were to go on in the way we have been going, then there would be no constitutional advance at all. Sir, the question is, does this Award form a reasonable basis for the development of self-government in India ? I say, it does, and I am sure all my friends in this Honourable House think so too. But I would put one question : Is there any leader of any party in this House who would get up and say that he does not want any advance of self-government on the lines of this Communal Award ?....

Sardar Sant Singh : The Sikhs do not want it according to this Communal Award so far as the Punjab is concerned.

Mr. G. Morgan : Sir, I would like to make one point....

Sardar Sant Singh : As I said, we do not want it in the Punjab under the Award that has been given....

Several Muslim Honourable Members : You are not the leader of any party.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order.

Mr. G. Morgan : I would just like to make one more point in connection with what fell from my Honourable friend, Sir Hari Singh Gour, with regard to Bengal. The European community in Bengal have at the present moment 11.3 per cent. out of a House of 142. The new House is going to consist of 250 Members, and we are going to get 10 per cent. Is that unfair ?

Mr. S. C. Mitra : Very fair indeed !

Mr. B. Das : What is the population ?

An Honourable Member from the Nationalist Group : Never mind. (Laughter.)

Sardar Sant Singh : What is the percentage of weightage ?

Mr. G. Morgan : I want to make one other point, Sir, which is that the European community in Bengal is quite ready to join any conference between the parties, Hindus, Muhammadans and others in Bengal with regard to the apportionment of communal seats if such a conference were called, and if an agreement is come to by means of such a conference, then we will have the Prime Minister's assurance that whatever province, as a part of India, or the whole of India comes to a specific agreement amongst themselves that will be taken into consideration. I therefore

whole-heartedly support the Award given by the Prime Minister and oppose the motion.

Mr. K. C. Neogy : Sir, my Honourable friend, Mr. Morgan, began by saying that he is neither a Hindu nor a Muhammadan nor a Sikh. I will tell him what he is. He is one of the twenty-five thousand Europeans who are to be found in Bengal, forming 1|2000th part of the total population of that province and who get 1|10th of the total number of seats in the legislature of that Province. My Honourable friend says that, their proportion of representation, if anything, will be reduced from their present proportionate strength in the Bengal Legislative Council. I wish my Honourable friend were consistent in his argument on this particular point and had urged that the same proportion of seats as the Hindus have got out of the Indian representation in the present Bengal Legislative Council should be preserved to the Hindus and that the proportion of seats which the Muhammadans have got in the Bengal Legislative Council should also be continued to them. Consistency unfortunately is not a virtue that characterises the European community in this country, for when they claim weightage in Bengal, they claim it on the ground of what they call their peculiar stake in the country. Now, Sir, it is not my intention to rake up any controversies relating to communal problems, but I do not think it will be disputed for a moment that when one goes by that standard, the Hindus in Bengal, although they form a minority, are to be found to have a far greater stake than any other community. I wish my Honourable friend Mr. Morgan would seek the adherence of this principle in regard to the Hindus of Bengal as well. Perhaps a similar argument would hold good in respect of the Sikhs so far as the Punjab is concerned. Now, my Honourable friend says that his community is perfectly ready to join any conference that might be held in Bengal for the purpose of settling this communal tangle. (*An Honourable Member :* "And also for the purpose of giving up seats.") I have every respect for my Honourable friend personally, and if I say here anything in disparagement of the general mentality of his community I do not mean any reflection on him. Well, I happened to be in London when the conferences were held but I was more or less a spectator so far as this question went. The impression that some of my friends who were in the thick of the fight had was that the representatives of my Honourable friend's community, who were there, were not very helpful in enabling the Indians to arrive at a communal settlement in London. As a matter of fact, it was stated that some of the representatives of my Honourable friend's community really were responsible for making the task more and more difficult for a settlement to be arrived at by the Indians themselves.

Mr. G. Morgan : No, no.

Mr. K. C. Neogy : I will leave my Honourable friend there.

Coming to my Honourable friend, Mr. Ghuznavi, I find that he has quoted the Prime Minister as having endorsed a policy which guarantees communal majorities in the provinces to those communities which happen to be in the majority, and he practically charges the Prime Minister with a breach of faith on this particular point. But, Sir, I had not the privilege at any time of being in the confidence of Prime Ministers, Viceroys or Members of the Executive Council, and naturally I should like to judge people by their public statements. I do not know what the Prime Minister may have said to my Honourable friend in the seclusion of

[Mr. K. C. Neogy.]

Chequers, but this is what I find Mr. Ramsay MacDonald stated as the Prime Minister of England in the course of a debate in the House of Commons on the Round Table Conference, and I quote from the official proceedings. The Prime Minister says :

“ If every constituency is to be earmarked as to community or interest, there will be no room left for the growth of what we consider to be purely political organisations which would comprehend all communities, all creeds, all classes, all conditions of faith. This is one of the problems which has to be faced ; because, if India is going to develop a robust political life, there must be room for National political parties based upon conceptions of India's interest, and not upon conceptions regarding the well-being of any field that is smaller or less comprehensive than the whole of India. Then there is a modified proposal that :.....”

He continues :

“a proposal is made that there should not be community constituencies with a communal register, but that there should be a common register in the constituencies ; but that with a common register, a certain percentage of representation should be guaranteed to certain communities. It is the first proposal in a somewhat more attractive, democratic form, but still essentially the same.”

This is certainly different from the views Mr. Ghuznavi attributes to the Prime Minister. May I make a respectful present of this statement to my Honourable friend Sir Abdur Rahim who seems to have a great faith that even under the present Communal Award we will have no difficulty in evolving national parties to work the constitution on purely national lines forgetting communal differences that divide us ?

Now, Sir, as I have already stated through my Honourable friend Sir Hari Singh Gour in the statement which he read out, when I was under the impression that I would have no opportunity of participating in this debate—as I have already stated there, we the Bengal nationalist Hindus do not take our stand on the narrow communal issue. What we urge is that there should be given fair play to all, that there should be joint electorates. I for myself would not like the idea of representing only the Hindus, or only the non-Muhammadan constituency, as it is at present called. I do not see any reason why I should not go to the very same people who return my Honourable friend Mr. Ghuznavi. I deem it a slur that I should not have the right to speak on behalf of all the people who live in the geographical area of my constituency as much as Mr. Ghuznavi. That is the point of view that the nationalist Hindus take. I am not concerned with the figures or the arithmetic of my Honourable friend Mr. Ghuznavi. It may be one seat more or one seat less, but may I in passing point out that he is not quite correct in his statement when he says that there will be only 121 Muhammadan seats. With regard to labour, two at least, if not three, are bound to go to the Muhammadans as far as we know

Mr. A. H. Ghuznavi : The two labour seats are included in 121.

Mr. K. C. Neogy : With regard to the two University seats one is bound to go to the Muhammadans.

Mr. A. H. Ghuznavi : No, no.

Mr. K. C. Neogy : I can claim greater authority than my Honourable friend while speaking of the University seats. As a matter of fact, I had at one time an idea of standing for the Local Legislative Council from a University constituency, and I found that it would be very hard for a Hindu to count on a decisive majority in that electorate.

Mr. A. H. Ghuznavi : No.

Mr. K. C. Neogy : Then, coming to the Indian commercial seats, my Honourable friend is a great commercial magnate in Calcutta. He ought to know that there is a movement afoot for setting up a Muslim Chamber of Commerce so that one seat might be wrested out of the special electorates, and in that endeavour I am told that my Honourable friend's colleagues are having the blessings and guidance of my Honourable friend Mr. Morgan's community.

My Honourable friend, Mr. Ghuznavi, said, it was the Sikhs in London who stood in the way of a communal settlement, and he said that there was an offer of one more seat to the Sikhs to be given, not out of the Muhammadans' share by any means, but out of the Depressed class seats. My Honourable friend was perfectly ready to be charitable at the cost of the Depressed classes who, by the way, were taken under his wings so far as the minorities' pact was concerned. And he charges my Honourable friend Sardar Sant Singh's community with having stood in the way !

Mr. A. H. Ghuznavi : The minorities' pact came into being in 1931 and not in 1930.

Mr. K. C. Neogy : I am referring to that particular period.

Mr. A. H. Ghuznavi : Then there was no minorities' pact.

Mr. K. C. Neogy : The minorities' pact came later but it was very much in the air even in 1930 though it had not taken concrete shape. Lord Lloyd had yet to come into the field. Sir Reginald Craddock had not been elected to the House of Commons, and above all, Sir Samuel Hoare had yet to come to the India Office. We know the history of the minorities' pact, and we know how my Honourable friend was seeking to be charitable at the cost of the Depressed classes, and it is not open to him to charge the Sikhs with not having agreed to sacrifice the Depressed classes for promoting their own interests.

Now, Sir, my Honourable friend having made an offensive and defensive alliance with Europeans and Christians, he ought not to complain now that they have not got an absolute majority in Bengal. All the Christians taken together.—Europeans, Anglo-Indians and Indian Christians,—they get between them 31 seats. Add these 31 seats to the Moslem seats—I am not very strong in mathematics—and I ask my Honourable friend Mr. Ghuznavi to tell me whether that does not give the Muhammadans in Bengal a very, very satisfactory working majority for all practical purposes.

Mr. A. H. Ghuznavi : No.

Mr. K. C. Neogy : If not, he ought to thank his colleagues of the minorities' pact for that.

That is all I have to say on the subject. (Applause.)

(It being Six of the Clock.)

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The House will now adjourn till 11 o'clock to-morrow.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 6th September, 1932.

LEGISLATIVE ASSEMBLY.

Tuesday, 6th September, 1932.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

MEMBER SWORN :

Mr. William Bartlet Hossack, M.L.A., (Bombay : European).

QUESTIONS AND ANSWERS.

HOLDING OF THE INDIAN NATIONAL CONGRESS IN DELHI.

39. ***Mr. Gaya Prasad Singh :** (a) Will Government kindly make a short statement in connection with the holding of the Indian National Congress in Delhi in April last, in which, among others, a Resolution approving of the civil disobedience was passed, how it was actually held in spite of the elaborate efforts of Government, how many persons in all were arrested in connection with it, how many were imprisoned, how many were let off, and why ?

(b) Are Government aware that the holding of the Congress in Delhi has stiffened the national attitude against Government, and intensified the boycott of British goods ?

The Honourable Mr. H. G. Haig : (a) An attempt was made on the 24th April last to hold in Delhi the annual Session of the Indian National Congress which had been prohibited. The attempt was frustrated. The main effort consisted of a hurried collection, at about 9 A.M., in twos and threes, of a small crowd of from 100 to 150 who raised revolutionary cries while one of the number rapidly read out five brief resolutions of which printed copies had been found in the city earlier in the morning. The Police drew a cordon round the crowd and arrested them. No further concerted attempt was made to hold a meeting, but during the course of the day there was some stone-throwing by mobs and some interference with traffic, and it was necessary to arrest or disperse batches of people demonstrating with flags and endeavouring to gather crowds. The arrests in Delhi from the 18th to the 24th April numbered 630 of whom 370 were arrested on the 24th. Of these 115 were sent up for trial and sentenced. The remainder whom the local authorities did not consider it necessary to prosecute were released.

(b) I have no information to that effect.

Mr. Lalchand Navalrai : Will the Honourable Member please say whether the stones were thrown by the Congress people or others who were present ?

The Honourable Mr. H. G. Haig : They were thrown by people who had gathered in response to the instigation of the Congress.

Sardar Sant Singh : Is it not a fact that no force was used up to 3 P.M. when the Congress session was being held near the Clock Tower ? Is it also not a fact that the police stopped arresting, and then began to use force.

The Honourable Mr. H. G. Haig : What usually happens in these cases is that as the day goes on the mob becomes more troublesome.

Sardar Sant Singh : Is it not a fact that the arrests were stopped, because too many persons offered themselves for arrest.

The Honourable Mr. H. G. Haig : No, Sir. I do not think that is the case. My information is that as stone-throwing and interference with traffic developed, the police had to take more definite action.

Sardar Sant Singh : May I inform the Honourable Member that I was present there when the force was used. There was no stone-throwing.

Mr. Gaya Prasad Singh : May I know why my Honourable friend was not arrested when he was in the mob ? (Laughter.)

The Honourable Mr. H. G. Haig : I expect the fact was not reported to the authorities.

Mr. S. C. Mitra : Is it a fact that the Indian National Congress has not been declared illegal ? If so, why was this attempt made to obstruct the holding of this meeting ?

The Honourable Mr. H. G. Haig : The Indian National Congress has not been declared illegal, because Government have no desire to arrest every member of the Indian National Congress. This particular meeting was prohibited, because it was one of the purposes of the Indian National Congress to support the movement of civil disobedience and encourage it by the holding of this meeting and the passing of certain resolutions and as it is the policy of Government to defeat and put an end to the civil disobedience movement, this meeting was prohibited.

Mr. S. C. Mitra : Are not the Government of India aware that the resolutions of the Congress are settled in a Subjects Committee after the first address of the President ? So, as a matter of fact, there were no resolutions ready by the time the Government issued orders for not holding the Congress.

The Honourable Mr. H. G. Haig : Does my Honourable friend suggest that it was the intention of the Indian National Congress to change their programme of civil disobedience ?

Mr. S. C. Mitra : Is not the Honourable Member aware that the Indian National Congress has changed several times its methods and even its creed and how does the Honourable Member assume that it was going to stick to the former programme ?

The Honourable Mr. H. G. Haig : I should be very glad to hear from my Honourable friend that it was or even now is the intention of the Indian National Congress to change its programme but at that time there was no such intention and the resolutions passed at the time bear out that contention.

Mr. S. C. Mitra : How will it be possible for the Indian National Congress to show that they are willing to change their programme unless they are allowed to hold their session ?

The Honourable Mr. H. G. Haig : They could easily communicate their intention to the Government.

Mr. Gaya Prasad Singh : Are Government aware that the programme of civil disobedience was actually forced on the Congress by the attitude of the Government themselves ?

The Honourable Mr. H. G. Haig : I cannot accept that view.

Mr. Lalchand Navalrai : What reason has the Honourable Member got to say that the stones were thrown at the instigation of the Congress which preaches and professes non-violence.

The Honourable Mr. H. G. Haig : The crowds collected as the result of this endeavour of the Congress to defy a lawful order.

Mr. Lalchand Navalrai : It will always be easy to say that the stone throwing was instigated by the Congress and there is no evidence.

The Honourable Mr. H. G. Haig : I think the facts of the matter are quite obvious.

Rao Bahadur B. L. Patil : What evidence have the Government got to say that the stone-throwing was done at the instigation of the Congress ?

The Honourable Mr. H. G. Haig : I do not think any ordinary person would require proof in a matter of that kind.

Rao Bahadur B. L. Patil : It is only a matter of inference.

Mr. Lalchand Navalrai : Is it not a fact that in every case it is urged that stones have been thrown from the other side and then violence was used by Government officers ?

The Honourable Mr. H. G. Haig : What reason does the Honourable Member suggest for stone-throwing and disorder ?

Mr. Gaya Prasad Singh : Agents provocateur—that may be one reason.

The Honourable Mr. H. G. Haig : That is a very old accusation which does not carry much weight ?

Mr. Gaya Prasad Singh : But it is nonetheless true.

RECRUITMENT OF INDIANS AND EUROPEANS TO THE INDIAN CIVIL SERVICE AND THE INDIAN POLICE SERVICE.

40. ***Mr. A. Das :** (a) With reference to the reply given to my starred question No. 1, dated 26th January, 1932, will Government state what is the established proportion of Indians and Europeans recruited and to be recruited to the I. C. S. and Indian Police Service ?

(b) In what proportion is the selection made ?

(c) Among Indians what is the proportion fixed for Hindus, Muslims and other communities ?

The Honourable Mr. H. G. Haig : (a) The Government of India follow the recommendations of the Lee Commission. In the case of the Indian Civil Service direct recruitment is made at the rate of 50 per cent. Europeans and 50 per cent. Indians. In the case of the Indian Police direct recruitment is made at the rate of 50 Europeans to 30

Indians. In both services provision is made apart from direct recruitment for a considerable percentage of posts to be filled by promotion from the Provincial Service.

(b) The numbers actually recruited are shown in the statements showing the progress of Indianisation in the Superior Civil Services, which are annually placed in the Library of the House.

(c) The policy of the Government of India is to prevent the undue preponderance of any one class or community in the Services. No definite proportions have been fixed for individual communities.

Mr. M. Maswood Ahmad : In view of such questions, are the Government aware that there is great dissatisfaction about non-fixing of any proportion for Hindus, Muslims and other communities ?

The Honourable Mr. H. G. Haig : Certain representations have been made on behalf of certain minority communities but up to the present the Government have found that their existing rules work not unsatisfactorily.

Dr. Ziauddin Ahmad : Is not the Honourable gentleman aware that the Government of Madras have fixed such a proportion by means of Government orders, and has the Honourable Member seen those orders ?

The Honourable Mr. H. G. Haig : I believe the practice differs with different Local Governments.

Mr. Gaya Prasad Singh : In view of the dissatisfaction which is said to exist on this question, do Government propose to introduce the system of competitive examinations, eliminating all discriminations based on caste, religion or creed ?

The Honourable Mr. H. G. Haig : No, Sir. I do not think that that would remove the particular dissatisfaction that has been expressed.

Mr. Gaya Prasad Singh : Is it because you want this dissatisfaction to continue so that the communities may be quarrelling amongst themselves ?

The Honourable Mr. H. G. Haig : No, Sir. The object of our policy is to ensure that there is a reasonable distribution amongst the various communities.

Mr. Gaya Prasad Singh : Irrespective of qualifications ? And only with regard to Indian communities ?

Dr. Ziauddin Ahmad : Is the Honourable gentleman aware that it has been definitely proved that competitive examinations do not select the best men, but the most fortunate men ?

The Honourable Mr. H. G. Haig : That is a matter of controversy, Sir, on which I should not like to express an opinion.

Mr. Gaya Prasad Singh : In view of the question of my Honourable friend, are Government prepared to eliminate competitive examinations with regard to the Indian Civil Service ?

The Honourable Mr. H. G. Haig : There is no proposal before the Government to eliminate competitive examinations.

DETENUS DETAINED UNDER CERTAIN REGULATIONS.

41. ***Mr. A. Das :** (a) Will Government be pleased to state what is the total number of detenus under Regulation III of 1818 and other Regulations in jail up to the end of July, 1932 ?

(b) How many are there from each Province and how many are located outside their own province ?

(c) Will Government give in a tabular form the period of their detention in each province ?

(d) Out of the number of detenus how many are such whose papers have not been submitted to any judicial officer for scrutiny ? If not, why not ?

(e) How long do Government intend to keep them in jail ?

(f) Have the Government of India directed the Local Governments to make rules for their boarding comforts, allowances to relatives and about interview of the detenus kept out of their native provinces ?

(g) Have Local Governments made any such rules and have they been published ? If so, when ? Will Government be pleased to lay a copy of this on the table of the House ?

(h) If the Local Governments have not so far made any rules, do the Central Government propose to ask the Local Governments to expedite this work ?

The Honourable Mr. H. G. Haig : (a), (b) and (c). I lay on the table a statement giving the particulars required as far as they are available.

(d) As regards persons dealt with under the Bengal Criminal Law Amendment Act, 1930, I would refer the Honourable Member to the provisions of section 9 of that Act under which every case is referred to two Judges. The position as regards the examination of cases of State Prisoners is explained in the reply given by my predecessor to Mr. Neogy's question No. 440 on the 22nd February, 1932. (Hear hear.) The cases of 15 State Prisoners have not been submitted for such scrutiny.

(e) So long as their detention is considered essential in the public interests.

(f), (g) and (h). Rules are laid down in the provincial Jail Manuals for the treatment of State Prisoners. Certain special rules for the treatment of detenus in the Deoli Camp Jail have been framed by the Chief Commissioner, Ajmer-Merwara and published in the Gazette of India, dated the 14th May, 1932. In addition to these, supplementary instructions have been issued for the treatment of State Prisoners and detenus. These instructions are in accordance with long standing practice kept confidential.

State Prisoners detained in Jail under the Bengal Regulation III of 1818, Madras Regulation II of 1819 and Bombay Regulation XXV of 1827, up to the end of July, 1932.

(i) Total number in Jail	..	..	..	35
(ii) Number from each province :				
Madras	..	..	..	1
Bombay	..	..	..	2
Bengal	..	..	..	21
Punjab	..	..	..	6
N.-W. F. Province	..	..	..	4
Delhi	..	..	..	1
				<hr/> 35
(iii) Number detained outside their own province	..			24
(23 Prisoners were transferred outside their own Province between the end of November, 1931, and beginning of January, 1932, one State Prisoner was transferred in the beginning of February, 1932.)				
(iv) Distribution of State Prisoners :				
Madras	..	..	..	10
Bombay	..	..	..	2
Bengal	..	..	..	1
United Provinces	..	..	..	1
Punjab	..	..	..	10
Bihar and Orissa	..	..	..	3
Central Provinces	..	..	..	5
N.-W. F. Province	..	..	..	2
Delhi	..	..	..	1
				<hr/> 35

Persons dealt with under the Bengal Criminal Law Amendment Act, 1930.

The total number in jails and detention Camps on the 31st July, 1932, was 997, of whom 92 are detained outside Bengal, i.e., in the Deoli Camp Jail.

Mr. S. C. Mitra : Referring to part (d), will the Honourable Member please state if the cases of the remaining 15 will be put before any tribunal of judges ?

The Honourable Mr. H. G. Haig : No, Sir.

Sardar Sant Singh : May I know if there is any executive order which fixes the time after which the cases of these unfortunate men are to be reviewed ?

The Honourable Mr. H. G. Haig : I think my Honourable friend will find that there is a provision in Regulation III itself. I would refer to section 3 of the Regulation.

Mr. S. C. Mitra : Have Government any objection to explaining the reason why these 15 cases are singled out for not being put before Judges ?

The Honourable Mr. H. G. Haig : I would not put it in that way. The normal procedure under the Regulation is that cases are not referred to Judges. In certain exceptional cases a procedure analogous to that under the Bengal Criminal Law Amendment Act is pursued.

NUMBER OF POLITICAL PRISONERS CONVICTED IN THE CIVIL DISOBEDIENCE MOVEMENT.

42. ***Mr. A. Das :** (a) What is the total number of persons convicted in the recent civil disobedience movement undergoing imprisonment up to July, 1932 ?

(b) Will Government mention how many in each province, how many males and females ?

The Honourable Mr. H. G. Haig : (a) and (b). I lay a statement on the table.

STATEMENT.

Statement showing the number of convicted persons undergoing imprisonment at the end of July 1932 in connection with the Civil Disobedience Movement.

Province.	Number of convicted persons undergoing imprisonment at the end of July 1932.	
	Males.	Females.
Madras	1,611	163
Bombay	6,131	316
Bengal	3,490	203
United Provinces	4,812	141
Punjab	855	40
Bihar and Orissa	2,484	58
Burma .. .. .	..	..
Central Provinces	1,130	36
Assam	684	38
North-West Frontier Province	1,987	1
Delhi	364	20
Coorg	67	..
Ajmer-Merwara	97	4
Total	23,712	1,020

CREATION OF A RESERVE BANK.

43. ***Mr. A. Das :** Have Government decided to start a reserve bank ? When will Government undertake to decide this matter or will it be decided by the new constitution which may be introduced later ?

The Honourable Sir Alan Parsons : Both economic and political considerations make it impossible to say now when or how a reserve bank will be constituted.

Dr. Ziauddin Ahmad : Is it not a fact that this question of a Central Bank has been under the consideration of the Government of India for the last 40 years ?

The Honourable Sir Alan Parsons : Not as far as I am aware for 40 years ; but fairly recently, a proposal for a Reserve Bank was placed by the Government of India before the Assembly.

Dr. Ziauddin Ahmed : See the Fowler Committee's Report.

Mr. B. Das : Do I take it that the Government of India have shelved the reports of the different Banking Enquiry Committees and are not going to take any action on them ?

The Honourable Sir Alan Parsons : If the Honourable Member will wait for the answer to a question coming up later, he will get a reply.

Mr. B. Das : May I inquire if it is not the case that when the Ratio Bill was passed in this House the Honourable Sir Basil Blackett assured the House that the Reserve Bank Bill would be taken up in 1931 ? If so, why is it that Government have not taken any action ?

The Honourable Sir Alan Parsons : I cannot recall the exact assurance that my Honourable friend says was given by Sir Basil Blackett. The reasons why they have not taken up the question of a Reserve Bank in 1931 were given in my answer to the main question.

Dr. Ziauddin Ahmad : In view of the fact that the Government could have purchased the whole amount of gold by putting embargo on gold, the present time is the most propitious time for starting a Central Bank ?

The Honourable Sir Alan Parsons : My personal opinion, I am afraid, is at variance with that of the Honourable Member.

PRINTING PRESSES ASKED TO FURNISH SECURITY UNDER THE ORDINANCES.

44. ***Mr. A. Das :** (a) How many printing presses have been asked to furnish security in each province since the Ordinances were promulgated from 1st January, 1932 up to July, 1932 ?

(b) Will Government make a statement in a tabular form showing the names of the presses, the amount of security demanded and the name of the Province ? Will Government please state how many out of these furnished security and how many have closed down failing to produce security giving the names of the latter ?

The Honourable Mr. H. G. Haig : The information is being collected from the Local Governments and a statement will be laid on the table in due course.

NUMBER OF SECRETARIES AND DEPUTY SECRETARIES, ETC., IN THE GOVERNMENT OF INDIA DEPARTMENTS.

45. ***Mr. A. Das :** (a) With reference to the answer to starred question No. 48 of the 26th January, 1932, will Government be pleased to state why only such a small number of Indians have been appointed in those posts ?

(b) Do Government propose to stop further recruitment of Europeans to such posts and open them to duly qualified members of the important communities in India, including Anglo-Indians and Indian Christians ?

The Honourable Mr. H. G. Haig : (a) The posts of Secretary and Joint Secretary in most Departments of the Government of India are reserved by the Government of India Act for members of the Indian Civil Service. Selections for these posts are made from amongst experienced and suitable officers of the Service, whether European or Indian. The number of Indian officers of the required seniority is, at present, considerably less than the number of European officers and hence it is natural that fewer should be selected.

(b) The posts are open to duly qualified members of all communities alike, including Europeans, and will continue to be.

Mr. N. M. Joshi : May I ask whether any steps are being taken to prevent the undue preponderance of any one community in this matter ?

The Honourable Mr. H. G. Haig : I have explained, Sir, that there is no question of any undue preponderance. The service in the past was filled for the most part by Europeans. At present the recruitment is conducted, as I have explained in my reply to-day, on a fifty-fifty basis.

Mr. N. M. Joshi : Is it not a fact that at present there is an undue preponderance of one particular community ? What are the Government doing to prevent that preponderance ?

The Honourable Mr. H. G. Haig : I think the Honourable Member is under some misapprehension as to our policy,—which relates only to 'recruitment' and not to 'promotion'.

Mr. K. C. Neogy : And to the case of "Indians" ? (Laughter.)

RECOMMENDATIONS OF THE CENTRAL BANKING ENQUIRY COMMITTEE.

46. ***Mr. A. Das :** How long have Government under consideration the report of the Central Banking Enquiry Committee ? Have Government decided which recommendations they will accept and which they will reject ? If not, when are Government going to decide it ?

The Honourable Sir Alan Parsons : A statement of the action taken by Government on the various recommendations is under preparation and will be laid on the table during the current Session.

IMPORT DUTY ON VEGETABLE GHEE.

47. ***Mr. A. Das :** With reference to the Resolution of Mr. Bhuput Sing which was accepted by the Legislative Assembly on the 12th February, 1931, regarding the import duty on vegetable ghee, have the Commerce Department taken any action ? If not, why not ?

Have Government addressed any communication to the various Provincial Governments ? If so, with what result ?

The Honourable Sir C. P. Ramaswami Aiyar : The Honourable Member is referred to Sir George Rainy's speech in this House on the 12th February, 1931, opposing the Resolution to which he refers. Further consideration of the matter after the adoption of the Resolution by the House left the Government of India still of opinion that for the same reasons no action was called for.

POSITION OF HIGH COURTS IN THE FUTURE CONSTITUTION OF INDIA.

48. ***Mr. A. Das :** Have Government received any reply from the Secretary of State regarding the Resolution of Mr. Amar Nath Dutt, dated the 17th September, 1931, regarding the position of High Courts in the future constitution of India ? If so, will the reply be laid on the table of the House ?

The Honourable Mr. H. G. Haig : The answer to the first part of the question is in the negative. The second part does not arise.

COST OF SALUTES IN HONOUR OF INDEPENDENT CHIEFS ON THEIR ARRIVAL IN AND DEPARTURE FROM DELHI.

49. ***Mr. A. Das :** (a) What is the cost incurred by Government per salute which is fired when an Independent Chief arrives at or leaves Delhi ?

(b) What is the total cost incurred for the last five years giving the amount for each year separately ?

(c) Do Government propose to consider the advisability of stopping this expenditure with the consent of the Princes concerned while the country is passing through an acute financial distress ?

Mr. H. A. F. Metcalfe : (a) Salutes for Indian Ruling Princes vary from nine guns to 21 guns. The average cost of a round is Rs. 3. The cost of a salute of 11 guns is therefore Rs. 33.

(b) The information cannot be procured without an expenditure of time and labour which would be incommensurate with the value of the results obtained.

(c) With the consent of the Princes salutes are already dispensed with on the occasion of informal visits. Government do not see their way to go further than this.

Mr. N. M. Joshi : Who pays the cost of the firing of these guns ?

Mr. H. A. F. Metcalfe : The cost is paid by the Government of India, Sir.

Dr. Ziauddin Ahmad : Is it not a fact that the Government of India ask the Ruling Chiefs to pay for the expenses of their salutes ?

Mr. H. A. F. Metcalfe : I am not aware of that. There is no information on the point.

Mr. B. Das : Did the Davidson Committee inquire into this aspect of the question and did they recommend that the Princes will bear the cost of their salutes in the future after the Federation when they visit the British India ?

Mr. H. A. F. Metcalfe : I am afraid I have no information on that point, but I will procure it if it is required.

Mr. K. Ahmed : Is the Honourable Member aware that in the town of Calcutta (Fort William) the cost of each salute is Rs. 10 ?

Mr. H. A. F. Metcalfe : My information is that the cost of one round is Rs. 3.

Mr. K. Ahmed : Is it not a fact that the cost was realised at the rate of Rs. 10 for one round from the Municipality of Calcutta ?

Mr. H. A. F. Metcalfe : I am afraid I have no information.

ESTABLISHMENT OF A SUPREME COURT IN INDIA.

50. ***Mr. A. Das :** What steps have Government taken regarding the Resolution of Mr. B. R. Puri for the establishment of a Supreme Court in India which was passed on the 10th February, 1932 ?

The Honourable Mr. H. G. Haig : A copy of the Resolution and of the debate was forwarded to the Secretary of State for transmission to His Majesty's Government.

Mr. Gaya Prasad Singh : May I know, Sir, if the Government of India have made any recommendation on their own account ?

The Honourable Mr. H. G. Haig : I think not, but I should require notice of that question.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say if a reply has been received from the Secretary of State or any reminder has been sent to him ?

The Honourable Mr. H. G. Haig : It is a matter which I imagine will come under consideration shortly in London.

FLIGHT OF GOLD FROM INDIA.

51. ***Mr. A. Das :** Will Government be pleased to state in round number, what the total export of gold is from the time England went off the Gold Standard up to July, 1932 ?

The Honourable Sir Alan Parsons : Approximately 10,317,000 fine ounces of gold were exported from India between the 22nd September, 1931 and the 31st July, 1932, of a value of approximately 78 crores.

THIRD CLASS BOOKING OFFICE AT THE DELHI RAILWAY STATION.

52. ***Mr. A. Das :** (a) Are Government aware that often third class passengers have to wait for over half-an-hour in getting tickets at the Delhi Junction station ? If so, having regard to the large traffic at Delhi, are Government prepared to ask the East Indian Railway to order that third class booking should remain open at all hours of the day up to about 10 P.M. ?

(b) Is it a fact that the third class booking office at Delhi is open to the public only for half-an-hour before the departure of each train ?

Mr. P. B. Rau : (a) and (b). The Agent, North Western Railway, reports that booking offices at Delhi Junction are open throughout the 24 hours. No complaints of third class passengers having to wait half-an-hour to obtain tickets have been made to the supervising staff at Delhi Junction.

Mr. B. Das : Is not the complaint made by an Honourable Member on the floor of this House a serious complaint and will the Honourable the Financial Commissioner kindly take note of it ?

Mr. P. R. Rau : I would like to know whether the Honourable Member himself has experienced such a difficulty ?

Mr. B. Das : When a Member puts a question, is it not a serious allegation ?

Mr. P. R. Rau : As a matter of fact, the Agent, North Western Railway, reports that the Booking Offices at Delhi Junction remain open throughout the 24 hours. The recommendation is that they should remain open up to 10 P.M.

Mr. Lalchand Navalrai : Is it necessary that the Member should have personally experienced that difficulty ? Is it not enough if he learns it from his constituency or from other people ?

Mr. P. R. Rau : I have made inquiries on the point and I find that no complaints have been received.

Dr. Ziauddin Ahmad : The question which the Honourable Member is expected to answer is whether it is or it is not a fact. The question is not whether the complaint has been received. The complaint is already in the question.

Mr. P. R. Rau : It is a fact that the Booking Offices remain open all the 24 hours.

WRITING OFF BAD DEBTS OF ASSESSEES.

53. ***Mr. A. Das :** (a) With regard to the answer given to question No. 310 on the 12th February, 1932, will Government state whether the Privy Council decision referred to in the answer has been given. If not, when is it expected to be given ? If already given, how will it affect the present practice as to when an assessee is entitled to write off a bad debt against his profits ?

(b) Do Government intend to bring forward any legislation to set this matter at rest in the various provinces ? What is the present practice in each province about this matter ?

The Honourable Sir Alan Parsons : (a) The decision has been given and confirms the existing practice of the Income-tax Department.

(b) In the circumstances there is no necessity to legislate on the subject. The present practice, so far as the Government are aware, is generally in conformity with the Privy Council decision, which is in itself in accordance with the previous instructions of the Central Board of Revenue.

DECISION OF CALCUTTA HIGH COURT ON A CASE IN CONNECTION WITH THE CHILD MARRIAGE RESTRAINT ACT.

54. ***Mr. A. Das :** Has the attention of Government been drawn to the case of the Calcutta High Court decided on the 6th April, 1932, and reported in the *Leader* of the 9th April nullifying the Sarda Act to the effect that under the two Acts of Parliament, namely E. I. C. Act of 1780 and E. I. Act of 1797, which are still unrepealed, nothing could curtail the right and authority of a Hindu father giving his daughter in marriage ? What steps do Government intend to take in this connection ?

The Honourable Mr. H. G. Haig : Government have seen the judgment of the Calcutta High Court referred to. The Honourable Member's question gives a wholly wrong impression of that judgment, which neither affects the Child Marriage Restraint Act in any way, nor contains any reference to the provisions of the East India Company Acts of 1780 and 1797. The last part of the question does not arise.

NEED OF A SHED AT BENARES CANTONMENT RAILWAY STATION.

55. *Mr. A. Das : With reference to the reply to starred question No. 566 on the 18th February, 1931, regarding the provision of a shed on the second platform of the East Indian Railway Station at Benares, will Government please state what reply has been received from the East Indian Railway ? If no reply has been received, do Government propose to send a reminder and get a reply soon ?

Mr. P. R. Rau : I am informed that a shed has been provided.

RECOMMENDATIONS MADE BY THE ARMY SUB-COMMITTEE OF THE CENTRAL RETRENCHMENT ADVISORY COMMITTEE.

56. *Mr. A. Das : (a) Will Government please state in a tabular form as to which of the recommendations of the final report of the Sub-Committee of the Central Retrenchment Advisory Committee on Army Government have been able to accept and which they have rejected, giving the reason for the latter ?

(b) In particular what retrenchment has been effected in the value of stocks in hand which was 283.65 lakhs on 1st April, 1928, and increased to 3,20.81 lakhs on 1st April, 1931 ? What was the total value of each stock on 1st April, 1932 ?

(c) Have Government closed the Chemical Defence Research Department which was started about three years ago with staff brought over from England and which would effect a saving of Rs. 75,000 a year ? If not, why not ?

Mr. G. R. F. Tottenham : (a) A statement is laid on the table.

(b) The value of Factory stocks in hand on the 1st April, 1931, was Rs. 3,28.74 lakhs, not Rs. 3,20.81 lakhs. I am afraid I cannot at present give a specific figure of the reductions made. The whole subject is still under examination and the process of reduction must be gradual ; but, as a preliminary indication of what has already been done, I may mention that the amount provided in the budget estimates for the purchase of materials during the current year is lower than the corresponding figure for 1931-32 by about Rs. 5½ lakhs.

I do not understand exactly what the Honourable Member means by " each stock ", but I lay on the table a statement showing the approximate value of the stocks held in each factory on the 1st April, 1932.

(c) As the Honourable Member will see from the statement referred to in part (a), certain important experiments remain to be completed. It has therefore been decided to retain the staff, with the exception of one officer, for the present. The question of abolishing the entire establishment will be taken up again next year.

Statement showing the action taken or which it is proposed to take on the recommendations made in the Final Report of the Army Retrenchment Sub-Committee.

Recommendation.	Action taken or which it is proposed to take.
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CHAPTER II,

FINANCIAL CONTROL.

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| <p>1. The normal tenure of the Financial Adviser's appointment to be extended from 3 to 5 years.
(Paragraph 15, page 8.)</p> | <p>The term of office of the present Financial Adviser has been extended for another 3 years which is generally in agreement with the suggestion made by the Committee.</p> |
| <p>2. The heads of accounts to be reviewed so as to eliminate anything not essential.
(Paragraph 17, pages 10-11.)</p> | <p>Action has been taken to review the heads of account so as to eliminate anything not essential. The result of the review is being communicated to the Director of Army Audit for his concurrence. It is expected that the simplified heads will be shown in the budget and accounts for the year 1933-34.</p> |
| <p>3. To consider the question whether general information should be given in the Army Estimates on the lines given in some of the appendices of the British Army Estimates.
(Paragraph 17, page 11.)</p> | <p>Information on the lines of that contained in Appendix II of the British Army Estimates is already given in the Army Estimates—see page 25 of the Army Estimates for 1932-33. The question whether information on the lines of some of the other appendices to the British Army Estimates should be given in the Army Estimates is under consideration.</p> |
| <p>4. An Index to be included in the Army Budget.
(Paragraph 17, page 11.)</p> | <p>An index is being prepared for inclusion in future Army Estimates.</p> |
| <p>5. Accounting or adding machines to be introduced in compilation sections of the Military Accounts Department where their employment would lead to economy.
(Paragraph 17, page 11.)</p> | <p>An extensive experiment is being carried out in mechanical accounting centrally in Delhi. It is too early as yet to judge whether this will prove a success. If the experiment is successful, a considerable reduction in clerical establishment would result.</p> |
| <p>6. Audit officers to use their powers in full in waiving objections in cases of minor mistakes where no principles are involved and there is no risk of recurring loss.
(Paragraph 17, page 11.)</p> | <p>The attention of the officers concerned has been drawn to the necessity for the fullest exercise by them of their powers within the limitations imposed.</p> |

Recommendation.

Action taken or which it is proposed to take.

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| <p>7. Examination be made into the necessity for a full audit on all accounts originally prepared by the staff of the Military Accounts Department.
(Paragraph 17, page 11.)</p> | <p>The recommendation of the Committee has been accepted in principle and an experiment is, with the approval of the Auditor General, being tried in the office of the Controller of Military Accounts, Northern Command, of reduced audit in the case of bills prepared by the Military Accounts Department and certain other bills such as pay bills of warrant and non-commissioned officers, etc. The general question of curtailing audit as a permanent measure will be considered next year on the basis of the result of this experiment, but the financial effect of anything that can be done in this direction will, it is considered, be negligible.</p> |
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CHAPTER III.

ORDNANCE SERVICES.

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| <p>8. Possibility of closing down certain arsenals and depots.
(Paragraph 2, page 12.)</p> | <p>It has been decided to close down the Ordnance Depot at Agra and to amalgamate the Clothing Depot at Quetta with the Quetta Arsenal. Anticipated saving in 1933-34, Rs. 44,500.</p> |
| <p>9. At least 50 per cent. of the store keeping establishment to be Indians. Introduction of Indians to reach this proportion to be very materially accelerated.
(Paragraph 3, page 13.)</p> | <p>For military reasons it is essential that a considerable part of this establishment should consist of military personnel. An experiment will however be tried of replacing British Other Ranks by Indian soldiers. These will not count against the 25 per cent. of the establishment, the Civilian Indianisation of which has already been authorised but will increase the total Indianisation to about 33 per cent.</p> |
| <p>10. Stocks of working stores to be reduced.
(Paragraph 4, page 13.)</p> | <p>The necessity for reducing stocks to the absolute minimum required is fully realised. The store margins form part of the war reserves, and are not taken into account in diminution of these reserves.</p> |

Reductions are also being made in the stocks of a limited number of items which are rapidly procurable. Generally speaking store margins as now fixed are as small as possible and only just cover fluctuations in supply and demand.

Recommendation.	Action taken or which it is proposed to take.
<p>11. Reduction or elimination of working stocks which exceed requirements or are no longer wanted. (Paragraph 4, page 14.)</p>	<p>As a general rule no stocks are maintained unless similar equipment is on charge of units. The question of the disposal of definitely unwanted stores is taken up annually on an all-India basis after the annual review of stocks. A careful scrutiny of all excess stocks has recently begun and further consideration will be given to the question.</p>
<p>12. More expeditious disposal of scrap and surplus stores. (Paragraph 4, page 14.)</p>	<p>Generally speaking Army stores of which excess stocks are in existence do not command a ready sale in the open market.</p> <p>Government doubt whether this is possible. The method employed in the disposal of stores is economical and has proved a very fruitful source of income to the State. Any delays which may occur they are few—are necessitated by negotiations for favourable offers.</p>
<p>13. Maintenance Reserves 'A' not to be calculated on the experience of the Great War, but on the conditions which the Army in India will have to meet in the defence of India. (Paragraph 4, page 14.)</p>	<p>The recommendation is accepted.</p>
<p>14. Mobilization equipment to be held only for units mobilizing in the first month. (Paragraph 4, page 15.)</p>	<p>Mobilization equipment used to be held for units mobilizing within the first 90 days. This has been reduced to the first 60 days.</p> <p>In view of the disastrous consequences of any inadequacy of equipment at the beginning of a campaign, Government are of opinion that even during the present financial stringency it is not advisable further to reduce mobilization equipment.</p>

CHAPTER IV.

ORDNANCE FACTORIES.

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| <p>15. Government inquiry to be instituted into the possibility of adopting a policy whereby—</p> <ul style="list-style-type: none"> (a) the factories would hand over manufacture to the trade where possible; (b) other Government departments would place orders with factories for articles which the trade in India cannot supply; | <p>From the military point of view the proposals are unacceptable and the appointment of a committee of inquiry is therefore considered unnecessary. There are many objections to manufacturing for other Government departments, the most important of which are that there would necessarily be big delays in adapting machinery, and also on mobilization in changing back to war production, which is the object for which the factories are established.</p> |
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Recommendation.	Action taken or which it is proposed to take.
(c) factories would be put on an accountancy basis in order to compete on terms of equality ; and (d) no staff reserve for war would be maintained. (Paragraph 11, pages 19-20.)	The staff reserve for war is, however, being practically abolished (see No. 19 below).
16. Staff to be reduced so as to form a smaller nucleus during peace. (Paragraph 12, page 20.)	See 15 (d).
17. (a) Superintendents to be retained for longer periods.	(a) The committee appears to have been under a misapprehension. Superintendents and Management officers are not normally transferred between factories. In the past when such transfers have taken place they have been necessitated by the exigencies of the service.
(b) One superintendent to superintend both factories in Ishapore. (Paragraph 16, page 21.)	(b) Not acceptable ; the work done at the Rifle Factory is entirely different from that done at the Steel Factory.
18. (a) Factory officers to be supplied with cost figures which are of immediate value to them.	The Committee hoped that by these methods that element of competition would be introduced which in commercial life is the greatest help to economy and reduction of costs.
(b) Factory officers to be given a chance of competing by open tender for all Government work which is at present imported.	(a) The best means of achieving this object without radically altering the present system of cost accounts in the factories is under consideration.
(c) A method to be devised of informing the management of prices at which the trade can produce and sell various articles manufactured in the factory. (Paragraph 16, page 22.)	(b) See remarks against item 15. (c) Trade prices are not ordinarily available for warlike stores, which form the bulk of the production of the factories. In certain cases (munitions and lethal weapons), steps are being taken to acquaint factories as far as possible with the home cost of the articles. As regards trade articles of supply, arrangements have been made for factories to quote (in suitable cases) <i>pari passu</i> with the trade
19. Periodical review to be carried out at all factories to ensure that— (a) one supervisor could not be used to supervise two jobs ; and	The recommendation is accepted and the periodical review will be carried out as suggested.
L156LAD	Anticipated saving in 1933-34 Rs. 3,11,500.

Recommendation.	Action taken or which it is proposed to take.
(b) the supervisory staff is not excessive in view of the work in hand or likely to be undertaken. (Paragraph 17, page 22.)	
20. Practice of sending officers on deputation to England to be suspended.	The practice is of great value in certain cases, but is being restricted to the minimum possible during the present financial stringency.
21. Trained Indians to be substituted, on a definite programme for imported supervisory staff. (Paragraph 17, page 22.)	In technical establishments only those who are technically qualified for the work can be employed, and, other things being equal, preference for appointment is now ordinarily being given to the qualified Indian. It follows that it is impossible to work to a stereotyped programme for the Indianization of the supervisory staff. But all establishments are alive to the principle of Indianization as rapidly as circumstances permit, and Government have recently sanctioned the recruitment of the non-gazetted staff such as foremen and assistant foremen through the Public Service Commission, which, it is anticipated will reduce the number of imported recruits. The existing apprentice training scheme is being modified to produce more practical results.
22. Pay of Indians substituted for British personnel should be fixed with regard to what is paid to Indians with similar qualifications in private firms. (Paragraph 18, page 22.)	The question of the revision of the scales of pay for new entrants, both superior and non-superior, in the Army Services is under consideration. The recommendation of the Committee in this connexion will be kept in view.
23. A report to be called for from each factory at the end of two years showing the cost of the leave concessions and the advantages gained in efficiency and contentment. (Paragraph 20, page 23.)	The recommendation is accepted.
24. Drastic and continuous efforts to be made to reduce factory stocks and stores to more economic dimensions. (Paragraph 21, page 23-24.)	A drastic reduction of working stocks was made in 1931-32 and further reductions are being made in 1932-33. The whole subject is receiving the most careful attention of Army Headquarters, and the purchase of new material is being reduced to the absolute minimum.

Recommendation.	Action taken or which it is proposed to take.
	<p>In particular the experiment of using indigenous copper is being proceeded with as rapidly as possible, and the holdings of other valuable metals such as aluminium, nickle, tin, etc., are being largely reduced.</p>
<p>25. Coal stocks to be reduced from 6 to 2 months' supply. (Paragraph 22, page 25.)</p>	<p>The recommendation has been accepted.</p>
<p>26. Coal with the most evaporative efficiency to be purchased. Report on the power costs at the Calcutta factories to be called for from an expert. (Paragraph 23, pages 25 -26.)</p>	<p>A special inquiry by an outside expert is considered unnecessary. The suggestion has been carefully examined and Government are satisfied that no marked economy can be secured. It is possible that some increase in evaporative efficiency might be obtained by burning different types of coal in new boilers : but the existing boilers still have plenty of life in them and their replacement would involve large capital expenditure.</p>
<p>27. Electric power at Shahjahanpur to be taken from the public supply which is cheaper than by generation in the factory. (Paragraph 23, page 26.)</p>	<p>Under consideration.</p>
<p>28. Possibility of economy by simplification of factory accounts to be examined. (Paragraph 24, page 26.)</p>	<p>An inquiry into the system of Ordnance Factory Accounts was initiated in October 1931, and has not yet reached finality.</p>
<p>29. Capital expenditure to be reduced to the minimum for the present.</p>	<p>Reductions in capital expenditure have been made with a view to reducing it to the minimum for the time being.</p>
<p>Necessity of replacement of each individual machine in the Ishapore Rifle Factory be further considered.</p>	<p>Reductions representing 87 per cent. under new capital and 58·5 per cent. under depreciation have been made during 1932-33, as compared with the 1931-32 budget. The equivalent in cost of these reductions is Rs. 7 lakhs and 11·3 lakhs, respectively.</p>
<p>Laying out extra plant for manufacture of complete machine guns to be reviewed with more than usual caution.</p>	<p>The replacement of machinery at the Rifle Factory, Ishapore, has been suspended to the greatest extent possible, subject to essential upkeep and maintenance of plant. The programme will now be completed in 6 or 7 years instead of in 3 years, as was originally proposed.</p>

Recommendation.	Action taken or which it is proposed to take.
Programme to provide dustless roads at Cossipore to be suspended. (Paragraph 25, page 26).	The purchase of plant for the manufacture of complete machine guns has been dropped.
	The programme for the provision of dustless roads at Cossipore has been suspended at a saving of Rs. 30,000.

CHAPTER V.

INSPECTION OF STORES AND CLOTHING.

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| <p>30. Inspection of Ordnance Factories, except guns, their appurtenances and ammunition, to be transferred to the Ordnance Inspection Section. Anticipated annual saving Rs. 10,000. (Paragraph 4, page 30).</p> | <p>The recommendation has been accepted and a report of the financial effect is awaited.</p> |
| <p>31. Normal percentage of general stores inspected to be reduced from 20 to 10 per cent. (Paragraph 6, page 31.)</p> | <p>The matter has been carefully considered and the conclusion arrived at is that the suggestion cannot be accepted as a general rule. Suitable instructions have, however, been issued to inspectors with a view to the amendment of specifications and the reduction of the percentage of inspections.</p> <p>It is not possible to give an estimate of the savings.</p> |
| <p>32. Each officer's post in the Inspection Section to be reviewed to see whether a civilian could not be appointed at less cost. (Paragraph 7, page 31.)</p> | <p>Each post has been reviewed as suggested and it is hoped that in the course of the next few years the total establishment will be reduced to 31, of which 17 will be military officers and 14 civilians.</p> |
| <p>33. Employment of Indians in place of British civilian officers who receive overseas rates of pay. (There is only one Indian civilian officer). (Paragraph 7, page 31.)</p> | <p>Except in the case of chemical experts, of whom three are employed, almost every civilian gazetted officer is a specialist in a particular and separate class of military technical equipment, such as optical and scientific equipment and lethal weapons.</p> <p>The occurrence of a vacancy in the cadre of civilian gazetted officers is so rare that it would be uneconomical to recruit Indians to be trained for each individual appointment, particularly in those subjects for which such training is not obtainable in India. Appointments on the staff of the Chemical Inspector could, no doubt, be filled in due course from the seven Indian Chemists now employed in subordinate appointments. In other cases suitable Indians will be appointed, when possible, as vacancies occur.</p> |

Recommendation.

Action taken or which it is proposed to take.

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| <p>34. The policy of Indianizing the post of chargemen to be pressed forward more rapidly.
(Paragraph 7, page 31.)</p> | <p>The policy is accepted and the means of carrying it out are under consideration.</p> |
| <p>35. Chemical Defence Research Establishment to be closed. Estimated annual saving Rs. 75,000.
(Paragraph 8, page 31.)</p> | <p>As certain important experiments have to be completed it has been decided to retain the staff, with the exception of one officer, for the present. The question of abolishing the establishment entirely will be taken up again next year.</p> |

CHAPTER VI.

AUXILIARY AND TERRITORIAL FORCES.

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| <p>36. Artillery units in the Auxiliary Force, except where definitely necessary, to be abolished.</p> <p style="padding-left: 2em;">Necessity for arms other than infantry in the Auxiliary Force to be examined with a view to abolition.
(Paragraph 4, page 33.)</p> | <p>The general question of the reorganisation of the Auxiliary Force, India, has been taken up at Army Headquarters. The recommendations of the Committee have been noted for consideration in dealing with the general question.</p> |
| <p>37. Establishment of medical and veterinary officers of the Auxiliary Force to be reduced, and services of regular officers to be utilised during training. Reduction of 50 per cent. anticipated, which would result in an annual saving of about Rs. 20,000.</p> | <p>Not accepted. Regular personnel of these categories have been reduced to a minimum and are not available for Auxiliary Force (India) duties. It is also to be noted that Auxiliary Force Medical and Veterinary officers constitute a potential reserve in case of war.</p> |
| <p>38. Inquiry to be made as to whether the objects for which the Indian Territorial Force (including the University Training Corps) is raised are, under present conditions, being achieved, and if not, whether by reorganisation the force would be better able to fulfil its functions.
(Paragraph 5, page 34.)</p> | <p>The suggestion is noted but is not regarded as a retrenchment proposal.</p> |
| <p>39. Pay of all ranks of the Auxiliary and Territorial Forces to be subjected to the 10 per cent. cut. Estimated annual saving Rs. 2½ lakhs.
(Paragraph 6, page 35.)</p> | <p>Not accepted. One of the main conditions for exemption from the 10 per cent. cut was that no individual's pay should be cut who drew less than Rs. 480 a year. This would apply to all except a few officers of the Auxiliary Force who only receive pay during training.</p> |

It is now being considered whether the periods of training themselves should not be reduced and, if such a step is taken, there would be even less justification for reducing the pay of officers as suggested.

Recommendation.	Action taken or which it is proposed to take.
40. During training officers of the Auxiliary Force to receive pay on new British Service rates. Estimated annual saving Rs. 45,000. (Paragraph 6, page 35.)	Although the rates of pay are higher than those enjoyed by British service officers, Auxiliary Force officers only draw pay for short periods, and it is considered that the total amount drawn is a reasonable return for the work done. Besides, if British Service rates of pay are introduced for officers, it would be logical to introduce them for other ranks also, and this would involve considerable extra expenditure.
41. Effect of curtailment of training period of Provincial battalions of the Territorial Force on the efficiency of the units concerned to be carefully watched. (Paragraph 7, page 36.)	The suggestion is noted but is not regarded as a retrenchment proposal.
42. Staffs at Commands and Districts to be abolished and the work distributed among members of ordinary staff. Estimated annual saving Rs. 70,000. (Paragraph 8, page 36.)	Under consideration with other questions concerning the Auxiliary Force (See item 36).
43. Quartermaster Sergeants of units whose companies are at one station to be reduced. (Paragraph 9, page 37.)	Savings to the value of Rs. 44,000 have been made already on this item; and no further reduction can be made.
44. Examination to be made into the possibility of reducing the staff of Urban units of the Territorial Force. (Paragraph 9, page 37.)	Examined, but rejected. The present Indian permanent staff of the two existing units consists of only 2 Battalion Havildar Majors and 4 Company Havildar Majors.
45. Where a unit is near a source of ordnance supply, clothing and necessities maintained not to exceed the approximate strength of the unit. (Paragraph 10, page 37.)	Accepted in principle. Clothing and equipment may now be held on unit charge up to 5% above actual strength and the local ordnance authorities ensure that these limits are not exceeded.

CHAPTER VII.

MILITARY ENGINEER SERVICES.

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| 46. Rs. 2 lakhs allotted to mechanization buildings not to be diverted to other works.
(Paragraph 2, page 38.) | The use to be made of any savings will be determined in accordance with the usual administrative procedure. Only essential expenditure is being incurred. |
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Recommendation.	Action taken or which it is proposed to take.
<p>47. Expenditure on new works to be confined to completing works in progress and fresh commitments where absolutely necessary. (Paragraph 2, page 38.)</p>	<p>The proposal was put into effect in 1932-33. His Excellency the Commander-in-Chief gives his personal sanction to a new major works.</p>
<p>48. Standard rate of maintenance of buildings to be reduced from $1\frac{1}{2}$ per cent. to $1\frac{1}{4}$ per cent. Estimated saving Rs. 5 lakhs. (Paragraph 3, page 39.)</p>	<p>The recommendation is accepted. The standard rate will be reduced accordingly from 1933-34.</p>
<p>49. Standard rate for maintenance of internal electric fittings to be reduced from 8 to 6 per cent. of capital value. Estimated saving Rs. $2\frac{1}{4}$ lakhs. (Paragraph 3, page 39.)</p>	<p>The proposal has already been put into effect.</p>
<p>50. Amount allotted for maintenance of roads to be reduced by 12 per cent. Estimated saving Rs. 3 lakhs. (Paragraph 3, page 39.)</p>	<p>The recommendation is accepted and has already been given effect to.</p>
<p>51. Amount allotted for maintenance of furniture to be reduced on the lines of other maintenance items. (Paragraph 3, page 39.)</p>	<p>The recommendation is accepted. The rate has already been reduced from $6\frac{1}{2}$ to 5 per cent.</p>
<p>52. Amount allotted for maintenance of miscellaneous services to be reduced on the lines of other maintenance items. (Paragraph 3, page 39.)</p>	<p>This applies to rifle ranges, drains, temporary buildings, defences, repairs to buildings hired under repairing leases, perimeter lighting, etc. Provision is made on the basis of actual requirements. With the exception of the question of the repair of rifle ranges, which is under examination, it is not possible to show any appreciable savings on this item, except in so far as buildings, etc., are given up. Such reductions will automatically effect savings in future budgets.</p>
<p>53. Inquiry to be instituted into the possibility of further reduction in cost of generating electricity. (Paragraph 4, page 41.)</p>	<p>A progressive reduction in the cost of generation has been made in recent years. The possibilities of further reductions are under investigation in communication with the local authorities.</p>
<p>54. Total expenditure on personnel in M. E. S. to be shown in the budget with a separate item of credit for personnel supervising work for provincial Governments. (Paragraph 5, page 41.)</p>	<p>The recommendation is under examination.</p>

Recommendation.	Action taken or which it is proposed to take.
<p>55. Reduction of 10 per cent. to be made in the 240 officers authorised in 1931-1932 budget, and a due proportion of the reduction to be in officers of the R. E. Estimated ultimate annual saving Rs. 3 lakhs. (Paragraph 5, page 43.)</p>	<p>A reduction of 10% in the total number of M. E. S. officers is being made. A 10% reduction of R. E. officers is not possible owing to mobilization requirements, but some reduction is being made.</p>
<p>56. 25 clerks and 25 draughtsmen to be reduced. Estimated annual saving Rs. 70,000. (Paragraph 5, page 44.)</p>	<p>The recommendation is accepted.</p>
<p>57. Examination to be expedited into the possibility of simplifying and reducing accounts works. (Paragraph 6, page 44.)</p>	<p>The examination is being expedited; and it is hoped that a measure of simplification will be introduced in 1933-34.</p>
<p>58. Inquiry to be made into the possibility of reduction in audit processes. (Paragraph 6, page 44.)</p>	<p>The question has been taken up in consultation with the Military Accountant General and the Director of Army Audit.</p>
<p>59. Schedules, on which under the present system contracts are placed, to be revised more frequently. (Paragraph 7, page 45.)</p>	<p>The scrutiny and revision, where necessary, of schedules was specially taken up in 1931. Many schedules have been revised and the revision of the remainder, where necessary, will be completed this year.</p>
<p>60. M. E. S. contracts over Rs. 50,000 to be by open tender, and once a year advertisements to be inserted in the local press inviting firms to apply to be placed on the list of selected contractors. (Paragraph 7, page 45.)</p>	<p>Not accepted. Tenders are now invited by advertisement for works of a specialised nature and works likely to cost more than Rs. 5 lakhs.</p> <p>To call for tenders throughout India for every work costing more than Rs. 50,000 would involve great clerical labour, delay and extra expense, without any increase of efficiency.</p>
<p>61. Local authorities to take the fullest advantage of reductions and economies in the maximum scales of building design and specification. (Paragraph 8, page 45.)</p>	<p>This measure has been in force since 1931. All important scales have lately been revised and reduced.</p>
<p>62. Compensation for inferior accommodation for officers to be paid only in exceptional cases. (Paragraph 9, page 46.)</p>	<p>Accepted. No compensation for a technical deficiency in the scale of accommodation provided will be given in future, so long as the accommodation is reasonable.</p>
<p>63. Necessity for retention of vacant buildings to be examined. (Paragraph 9, page 46.)</p>	<p>This matter has been thoroughly examined. Action is being taken to dispose of all unwanted buildings. The sale of unwanted railway sidings is also being taken up, but the times are not particularly favourable for such transactions.</p>

Recommendation.	Action taken or which it is proposed to take.
64. M. E. S. budget to be shown as a head of the main Army budget under the control of the Quartermaster General. (Paragraph 11, page 47.)	The recommendation is accepted. The present M. E. S. budget is shown as under the control of the Quartermaster General.

CHAPTER VIII.

STAFFS OF ARMY HEADQUARTERS, COMMANDS, ETC.

65. Substantial reductions to be made in staffs. (Paragraphs 5—8, pages 51—53.)
- The question of reducing staffs (including clerical) was gone into thoroughly last year and as a result a saving of about Rs. 12 lakhs was made.

Except in minor matters of regrading no further reduction is considered possible ; in fact protests are already being made that in certain cases the reductions have been excessive.

The following remarks are made with regard to the specific recommendations of the Committee :—

- (a) The appointments of Deputy Assistant Director of Ordnance Services in Districts must be retained. The British Warrant Officer Scheme will reduce the work in the Arsenal from which they are drawn, but will not reduce the work of the Deputy Assistant Director of Ordnance Services.
- (b) The number of full Colonels in the Indian Army Service Corps is being further examined.
- (c) The Chief Engineer of a Command is an essential link and must be retained.
- (d) The grading of officers depends on the work they are required to do. All gradings have been examined and no further regrading is anticipated on a large scale.

66. Indians to be substituted for British clerks and only 25 per cent. of the clerical staffs of commands, etc., to be British. (Paragraph 9, page 53.)

See item 69.

Recommendation.	Action taken or which it is proposed to take.
67. Cost of printing to be closely watched. (Paragraph 10, page 53.)	The matter is still under consideration. Certain economies have already been effected and further considerable savings are hoped for.

CHAPTER IX.

INDIA UNATTACHED LIST.

68. The present system of seconding serving soldiers for duty with the Indian Posts and Telegraphs Department to be abolished. (Paragraph 4, page 57.)
- The recommendation is accepted. It has been decided to abolish the 'T' Company, Indian Signal Corps.

Indian Corps of Clerks.

69. Indian personnel to be substituted for British personnel of the India Unattached List. (Paragraph 5, page 60.)
- Under a comparatively recent reorganisation, the number of Indians in the Indian Corps of Clerks was fixed at about 47%. No further Indianization can be made at present, but the question will be examined periodically.

Indian Army Veterinary Corps.

There are only 4 British other ranks in the Indian Army Veterinary Corps, and this small nucleus cannot be reduced at present.

SUPPLY SERVICES.

Indian Army Service Corps.

- 70 British other ranks in the Supply Services have already been replaced by Indians and the further recruitment of British other ranks has been stopped.

TRANSPORT SERVICES.

Indian Army Service Corps.

The policy of gradually replacing British other ranks in Animal Transport units by educated Indians has been accepted and has already made some progress. There are no British other ranks in Camel Transport units. Indians are being trained to take the place of 40 out of the 42 British other Ranks in Mule Transport units.

Recommendation.

Action taken or which it is proposed to take.

The policy of replacing British personnel in Mechanical Transport units by Indians has also been accepted, and a new class of 218 Indian apprentice artificers has been instituted. They will receive special training with a view to replacing the supervising British mechanist class in due course. A special training cadre has also been instituted to enable Indians to qualify for the higher appointments in the Roads Branch of the Mechanical Transport Service.

Remount Department.

A scheme is under consideration for the partial replacement of the 18 British other ranks in the Remount Department.

Farms.

Government have approved a scheme for the Indianisation of 50 per cent. of the managing personnel of Grass Farms.

Indian Army Ordnance Corps.

See item 9 above.

M. E. S. (Furniture and Stores).

The present strength of British other ranks in the Furniture and Stores Branch of the Military Engineer Services is 97. It is proposed to reduce this number to 66 and to give the remaining places to Indians.

70. Variations of Indian rates of pay in different branches to be carefully scrutinised to ensure that they are justified.
(Paragraph 5, page 60.)

A scheme for the revision of the pay of new entrants to the Army Services, both superior and non-superior is under preparation.

71. Time-scale of promotion of British ranks to be abolished.
(Paragraph 5, page 60.)

Recommendations have been submitted for the approval of the Secretary of State.

72. Number of Indians employed in store-keeping establishments of Indian Army Ordnance Corps to be increased from 25 to 50 per cent.

See item 9 above.

Estimated ultimate annual saving Rs. 2½ lakhs.

(Paragraph 5, page 61.)



Recommendation.

Action taken or which it is proposed to take.

73. Recruitment of Indian civilians in the Furniture and Stores Branch to be greatly accelerated with a view to employing Indians in at least 50 per cent. of the posts.
(Paragraph 5, page 61.)

See No. 69 above.

CHAPTER X.

ROYAL INDIAN MARINE.

74. Accounting authorities to examine overhead charges for labour and material, in order that the Bombay dockyard might compete for work from other Government departments.
(Paragraph 4, page 63.)
- A committee of dockyard officers has been appointed to consider the question of overhead charges and war reserve of plant, machinery, etc., in the light of the Retrenchment Committee's remarks. The examination will take some time.
75. Question of the repairs of certain Persian Gulf ships of the Royal Navy being carried out in the Bombay dockyard and not, as at present, by a private firm in Colombo, to be re-opened with the Admiralty.
(Paragraph 5, page 64.)
- Under consideration.
76. (a) Special stores obtained from England to be reduced to 9 months' stock.
- (a) Special stores from England are indent-ed for yearly: they are received at different times throughout the year in which they are required and issued with little delay. Most of these stores are not held in stock for more than six months.
- (b) Ordinary stores of European manufacture obtainable in India to be reduced to 3 months' stock.
- (b), (c) and (d). The recommendations are accepted.
- (c) Stores of Indian origin procurable elsewhere than in Bombay, to be reduced to 3 months' stock.
- (d) Stores of Indian origin procurable in Bombay to be reduced to 1 month's stock.
(Paragraph 6, page 64.)

CHAPTER XI.

ARMY DEPARTMENT.

77. Examination to be made into the question whether the work of the department on its formal side could not be considerably lightened. Reduction to be made of at least Rs. 50,000 a year on the staff.
(Paragraph 3, page 66.)
- The adoption of some of the proposals of the Committee would not secure any real reduction of work, but would simply result in its transfer from the Department to Branches of Army Headquarters; while others cannot be given effect to without prejudice to the existing constitutional arrangements. It has been decided, however, as an experimental measure,

Recommendation.

Action taken or which it is proposed to take.

by a reallocation of duties, changes in some cases of routine clerks for higher paid personnel, and other miscellaneous expedients, to reduce 1 Assistant Secretary, 1 Superintendent and 10 Inferior servants, and to substitute 9 routine clerks for 11 assistants and clerks, with a consequent annual saving of Rs. 47,780.

CHAPTER XII.

MISCELLANEOUS.

78. Special inquiry to be instituted in regard to the Central Purchase Scheme and the extent to which the Indian Stores Department should purchase on behalf of the Army.

In this connexion the Committee criticised the system of purchase of *ghi* and grain, in that purchases are made through Agents and not by competitive tender.

(Page 68).

Government doubt whether any special enquiry is necessary. A separate purchasing agency for certain military supplies has many undoubted advantages; and the policy already is to purchase through the India Stores Department whenever this can be done more cheaply and without loss of efficiency.

From the purely financial point of view the present system of purchasing *ghi* and grain is economical, because it admits of advantage being taken of day to day fluctuations in prices and also ensures that the quality is up to the required standard.

79. Investigation to be made into the baggage carried by troops, and report to be made to Government if a 20 per cent. reduction is not possible on the figure of Rs. 197 lakhs.

(Page 69).

This is a mobilization question and the whole matter is now being examined under the orders of His Excellency the Commander-in-Chief.

80. Revised formula on which M. T. stocks are to be held to be brought into effect as quickly as possible and policy of reducing stocks to be vigorously pursued.

(Page 69).

The revised formula for replacement of M. T. stocks is now in operation. The whole question of M. T. stocks is under investigation and the market is being watched regarding sales.

81. Inquiry to be made whether it would not be a saving to have a M. T. Store Depot in South India.

(Page 70).

The formation of a separate M. T. Stores Depot, however small, at Bombay or Deolali would entail initial expenditure on building and increased recurring expenditure for the depot staff. Moreover, such a depot would be of little use on mobilisation.

The proposal was fully investigated some time ago. Superficially it sounds attractive; actually it entails additional expenditure rather than economy.

Recommendation.	Action taken or which it is proposed to take.
82. Simplification of work of unit accountants necessary. (Page 70.)	The question has been taken up by the M. A. G.
83. Repair of R. A. F. vehicles to be carried out at Chaklala instead of at R. A. F. Park, Lahore. (Page 71.)	Unacceptable. The matter has been carefully examined by the Q. M. G. and the A. O. C. who are satisfied that no savings would be secured by the adoption of the proposal.
84. Investigation to be made whether bodies for R. A. F. vehicles could be built cheaper in railway workshops. (Page 72.)	No bodies will probably be required for the next two years. Quantities and types cannot therefore be specified and there is no basis for discussion with the railway authorities.

Approximate value of the stocks held in each factory on the 1st April 1932.

Factory.	Value. Rs. (In lakhs).
Ammunition Factory, Kirkee	101·89
Cordite Factory, Aruvankadu	18·48
Gun Carriage Factory, Jubbulpore	42·36
Gun and Shell Factory, Cossipore	44·56
Metal and Steel Factory, Ishapore	41·74
Harness and Saddlery Factory, Cawnpore	22·21
Rifle Factory, Ishapore	42·65
Clothing Factory, Shahjahanpur	14·00
Total	327·89

INCOME FROM INLAND TELEGRAMS.

57. ***Mr. A. Das :** Has the total of income from postal and inland telegrams increased or decreased from the time the enhanced rates were introduced up to 30th June, 1932, as compared with the same period last year and the year before ?

The Honourable Sir Frank Noyce : The total postage and message revenue during the twelve months ending on the 30th June, 1932, was greater than that during the immediately preceding twelve months. The total for either period is less than that for the twelve months ending on June 30th, 1930.

RAILWAY FINE FUND.

58. ***Mr. A. Das :** (a) Will Government state how much towards the Railway fine fund has been contributed by Indians and how much by Anglo-Indians and Europeans for the last three and a half years giving the amount for each year ?

(b) How much of this money has been spent each year for European Railway Schools and how much for Indian Railway Schools ?

(c) In order to make the distribution of expenditure of the above fund more proportionate having regard to its contribution by Indian and non-Indian servants, what rules, if any, have the Railways made ?

(d) Will Government place a copy of the present rules relating to the expenditure of the above fund on the table of the House ?

Mr. P. R. Rau : (a) The accounts of the Fine Fund and of the Staff Benefit Fund which recently replaced the Fine Fund on the State-managed Railways and certain Company-managed Railways are not maintained so as to show the amount of fines realised from Indians and Anglo-Indians and Europeans separately.

(b) The full information required is not available for all these years, but with regard to 1931-32, I understand that the total money spent out of the Fine Fund or the Staff Benefit Fund by the State-managed and Company-managed Railways on European and Indian Railway Schools during the year amounts to Rs. 6,695 and Rs. 39,747, respectively.

(c) and (d). A copy of the Rules of the new fund will be found in the Library of the House.

Mr. N. M. Joshi : May I ask, Sir, whether it is not a fact that Government had promised to appoint a Committee of the Railway employees to supervise expenditure from the Fine Fund, and if they had so promised, whether such a Committee has been formed ?

Mr. P. R. Rau : I believe the rules of the Staff Benefit Fund provide that expenditure from the Fund will be sanctioned by a Committee constituted partly of members selected by the staff.

Mr. N. M. Joshi : May I ask whether such a Committee has been brought into existence and what is its composition ?

Mr. P. R. Rau : My impression is that the Committee is partly appointed by the Agent and partly elected by the staff.

Mr. N. M. Joshi : May I ask the Honourable Member if he will make inquiries in this matter ?

Mr. P. R. Rau : Certainly, Sir.

Dr. Ziauddin Ahmad : May I know whether any portion of this Fine Fund is spent in giving pecuniary aid to those railway servants who are posted at stations where no schools exist ?

Mr. P. R. Rau : That will be a matter for the Committee to decide.

DISTRICT AND ASSISTANT OPIUM OFFICERS.

59. ***Mr. A. Das :** (a) Will Government be pleased to lay on the table a statement showing the number of District and Assistant Opium Officers ? How many of these are Europeans, Anglo-Indians, Hindus and Muslims ?

(b) Is it a fact that Government intend abolishing opium divisions and sub-divisions in the near future ? If so, do Government propose to take this opportunity for equalising communal representation among the District and Assistant Opium Officers ? In particular, are Government

prepared to give an assurance that no community will altogether be wiped out ?

(c) Do Government propose to utilise this opportunity for economy by retaining in the Opium Department officers who are least costly ?

The Honourable Sir Alan Parsons : (a) A statement is laid on the table.

(b) It is the intention to abolish another sub-division in the near future, but the abolition will afford no opportunity of equalising communal representation. I am unable to give the assurance for which the Honourable Member asks, as the only Hindu in the department has asked to be allowed to revert to his post in his own province.

(c) Economy will be obtained because no compensation will be necessary to the officer reverted to his own province.

<i>Statement.</i>				<i>District Officers.</i>	<i>Assistant Officers.</i>
Europeans	..	..	..	2	2
Anglo-Indians and domiciled Europeans	..	..	..	3	7
Hindus	..	..	..	..	1
Muslims	..	..	..	..	3
Total				5	13

NEW STERLING LOAN.

60. ***Mr. A. Das :** (a) Will Government be pleased to state how much of the new sterling loan recently floated in April, 1932, had to be under-written and what is the total amount of the cost incurred thereby ?

(b) Why was not that loan floated in India ?

The Honourable Sir Alan Parsons : (a) The entire amount was underwritten at 1½ per cent. at a cost of £125,000.

(b) Because we wanted to strengthen our sterling resources and because we could borrow more cheaply in London than in India.

Dr. Ziauddin Ahmad : Was it not possible to float the loan in India and transfer the money to England ?

The Honourable Sir Alan Parsons : At that particular time, we could float the loan more cheaply in England and as the Honourable Member is now aware, we have subsequently floated two loans for large sums in India.

REVISION OF THE INDIAN COMPANIES ACT.

61. ***Mr. A. Das :** (a) Will Government be pleased to state whether they intend to revise the Indian Companies Act ? If so, when ?

(b) Are Government aware that a new Companies Act has been passed in the United Kingdom in 1929 ?

(c) Did not Government promise to revise the Indian Companies Act soon after the English Act was revised ?

(d) Are Government aware that the present Indian Companies Act has been found seriously defective in practice ?

The Honourable Sir C. P. Ramaswami Aiyar : (a), (b), (c) and (d). The reply to parts (b) and (c) of the Honourable Member's question is in the affirmative, but the Government of India have again reviewed the question and have reached the conclusion that the present time would not be an opportune one at which to ask the Local Governments and the commercial and other interests to give their attention to this complicated subject. While they think that the whole field of legislation in respect of joint stock companies should be brought under review, the position is not in their opinion, such as to necessitate immediate measures and they consider that it would on all hands be preferable to wait for further development in the constitutional situation before undertaking this work.

Mr. B. Das : Is it not a fact that various Chambers of Commerce have pressed this point and they want early compliance of the same ?

The Honourable Sir C. P. Ramaswami Aiyar : Some Chambers of Commerce have no doubt asked for the revision of the Companies Act and some other representations have been received. But those were sometime ago. Recent opinion is not unanimous as to the necessity for the immediate revision of the Act.

BAUDOT SUPERVISORS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

62. ***Mr. Muhammad Azhar Ali :** (a) Will Government please state whether a system, if any, has been evolved, regulating seniority, precedence and other necessary criteria in the cadre of Baudot Supervisors in the Posts and Telegraphs Department ? If so, will they lay the papers on the table ?

(b) How many classes of Baudot Supervisors are there ? How are the classes determined ? How is seniority, precedence, etc., regulated in the respective classes, when class for class qualifications are identical ?

(c) What is the highest proficiency examination in the cadre ? What remuneration or allowance do the highest standard of Baudot Supervisors draw ?

(d) Is seniority and precedence reckoned in the cadre from date of passing the Baudot Examination, or are there any other extraneous considerations reckoned with, such as, passing of the test prescribed for Telegraph Mastership, etc., when determining the relative position of these officers ? If so, why ?

(e) How are considerations of seniority and precedence determined in the grade of Electrical and Engineering Supervisors, when any of them might possess also the Telegraph Master's certificate ? Does the latter combine to lend additional weight to the former ? If so, why ?

(f) Is the Higher Technique Baudot Supervisor conceded seniority and precedence, although junior in his substantive cadre of Baudot Supervisors, on the ground that the former possesses also the Telegraph Mastership qualification ? Is the former wholly technical and the latter a traffic appointment ? If so, what is the cause or justification for combining the two diverse qualifications in the matter of determining seniority ? Is there any relevant connection between the two functions ?

(g) Are Government aware of the uneasiness and despondency created amongst competent Higher Technique Senior Baudot Supervisors by the system of foisting juniors in their place, who may qualify, subsequently as Baudot Supervisors on the plea that they possess an additional qualification in having also passed the test prescribed for Telegraph Mastership? Are Government prepared to remove this anomaly by determining seniority and precedence in the cadre of Baudot Supervisors as an exclusive class of branch by regulating precedence, etc., by the date of passing the Baudot test and discounting all extraneous considerations? If not, why not?

Mr. T. Ryan : As regards part (e) of the question the rule is that for the purpose of determining the relative seniority, in the cadres of the Engineering and Electrical Supervisors, of those appointed at any one time, there are two groups, namely, (1) telegraphists and other departmental candidates and (2) direct recruits. Seniority in each group is determined according to the total marks obtained at the final examination; but all candidates selected from group (1) are given seniority over those in group (2), irrespective of the number of marks obtained in the examination. All the Engineering Supervisors appointed after one examination rank senior to those appointed after a later examination. The rule does not provide for any credit being afforded to a candidate for having also passed the Telegraph Masters' examination.

As regards the rest of the question, the regulations bearing on the subject are at present being reconsidered in consultation with the representative service unions, and I am therefore not in a position at present to give a detailed reply to the Honourable Member's question.

GRANT OF FACILITIES TO THE EMPLOYEES OF THE LAHORE CURRENCY OFFICE FOR JUMA PRAYERS.

63. ***Shaikh Sadiq Hasan :** (a) Will Government kindly state if any Government officer in India has the authority to disallow any Muslim employee of Government to say the Juma prayers?

(b) If not, will Government please state if the Muslim employees of all the various branches of the Lahore Currency Office are provided facilities to say their Juma prayers?

(c) If the answer to part (b) above is in the negative, are Government prepared to issue immediate instructions to the Currency Officer, Lahore, to remove all hindrances in their way to say the Juma prayers?

The Honourable Sir Alan Parsons : (a) and (b). The position is that it is possible to give the Muslim employees in the General Branch of the Lahore Currency Office facilities for their Juma prayers but not to those in the Treasurer's Branch where the conditions of work are such that no employee can leave his room until his day's work is over and he has given a satisfactory discharge of the monies entrusted to him.

(c) No.

Dr. Ziauddin Ahmad : What is the answer given by the Honourable Member to parts (a) and (b)?

The Honourable Sir Alan Parsons : It is not really a matter whether Government officers have authority to disallow any employee

from saying his prayers, but only whether Government officers can say to their employees that they must not leave office at a particular time.

Dr. Ziauddin Ahmad : Does not saying that you must not leave office at prayer time amount to saying you must not offer prayers ?

The Honourable Sir Alan Parsons : The effect may be the same. But if we gave any orders to that effect, the result would be that it would be impossible to employ Muslims in the Treasury Branch of this particular office and I do not think that that would be desirable.

Sardar Sant Singh : Then employ the Sikhs, and we won't give any trouble.

INVESTIGATING INSPECTORS ATTACHED TO THE OFFICE OF THE POSTMASTER GENERAL, BOMBAY.

64. ***Sardar G. N. Mujumdar :** (a) With reference to the reply to unstarred question No. 86 of Mr. N. C. Kelkar, answered on the 15th February, 1928, are Government aware that Messrs. S. V. Panwalkar and P. R. Gokhale, who were originally recruited as clerks for the Circle office, have been appointed in Selection Grade posts as Inspectors, Railway Mail Service, in the Bombay Circle ?

(b) If the reply to part (a) above be in the affirmative, will Government be pleased to state whether the appointments were in contravention of the assurance given to the House by the Director-General of Posts and Telegraphs in reply to the question of Mr. Kelkar quoted above ?

(c) If so, are Government prepared to take steps to rectify the wrong done to the men in the Divisions ?

Mr. T. Ryan : (a) Yes, if by Circle Office the Honourable Member means the late Railway Mail Service Western Circle Office.

(b) No, since the two officials were appointed as Inspectors, Railway Mail Service, not because they were officials of the Circle Office but because they had passed the qualifying examination for appointment to that cadre.

(c) Does not arise in view of reply to part (b).

HOURS OF WORK PER WEEK FOR TRANSIT SECTIONS OF RAILWAY MAIL SERVICE.

65. ***Sardar G. N. Mujumdar :** Will Government be pleased to state the standard laid down for fixing the hours of work per week for Transit Sections of the Railway Mail Service, as has been laid down for Sorting Sections ?

Mr. T. Ryan : No definite standards for Transit Sections have been laid down, but as a rough guide weekly working hours of 42 and 48 hours for night and day sections, respectively, have been adopted.

RETENTION IN SERVICE AFTER CONVICTION OF A TRAVELLING TICKET INSPECTOR OF THE GREAT INDIAN PENINSULA RAILWAY.

66. ***Sardar G. N. Mujumdar :** (a) Are Government aware that one Mr. Oodaram Bhulchand, Travelling Ticket Inspector of the Great Indian Peninsula Railway working between Bombay and Poona was convicted

by the First Class Sub-Divisional Magistrate, Thana, and fined Rs. 50 or in default to suffer rigorous imprisonment for ten days for intentionally insulting a passenger on or about the 8th May, 1928 ?

(b) Are Government also aware that the said Ticket Inspector is still serving in the said Railway and in the same post ?

(c) If the replies to parts (a) and (b) above be in the affirmative, will Government be pleased to state the special reasons under which the official is still being retained, particularly in the same post ?

Mr. P. R. Rau : (a) and (b). Yes.

(c) The Agent, Great Indian Peninsula Railway, reports that Travelling Ticket Inspector Oodharam Bulchand was reported to be a good worker and as he had been fined by the Court, it was considered that a warning was sufficient as an additional departmental punishment and he was therefore allowed to continue in the post.

DISTRIBUTION OF SEATS IN THE NEW DELHI MUNICIPAL COMMITTEE.

67. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that the Hindu population of the New Delhi Municipality is about 39,350, the Muslim population is 12,350, the Sikh population is 2,025, and the European population is only a few hundreds ?

(b) Is it a fact that practically the whole of the trade in New Delhi is in the hands of the Hindus and that the majority of the landholders in New Delhi are also Hindus ? If not, what are the actual facts ?

(c) Is it a fact that the Europeans have been provided a seat in New Delhi Municipality ? How many seats have been provided for the Hindus and the other communities in the New Delhi Municipality ?

Mr. G. S. Bajpai : (a) A statement giving the latest census figures is laid on the table.

(b) Government have no information regarding the number of traders and landholders of different communities in New Delhi.

(c) Government are the largest owners of property in New Delhi, and the New Delhi Municipal Committee derives the bulk of its Income from Government grants. In order to ensure to Government an effective voice in the administration of the area under the control of Municipal Committee, there is a majority of members who are nominated in virtue of their office. Unofficial interests are represented by an European, a Hindu, a Muslim and a Sikh.

Statement.

Hindus	..	..	..	..	46,710
Muhammadans	..	..	..	..	12,111
Sikhs	..	..	..	..	2,142

Figures for " Europeans " are not available, but the number of Christians is about 3,541.

ARRESTS OF SRIMATIS JAY RANI AND NIKI DEVI OF DELHI.

68. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that two ladies, Srimatis Jay Rani and Niki Devi of Delhi, were arrested by the Delhi police for distributing pamphlets urging people to use Indian made goods in May or June this year ? On what date were they arrested ; and were

they on bail, or in the lock-up ? Were they acquitted by the trying Magistrate who held that mere distribution of handbills, which urged people to use Indian made goods, could not come under molestation, as defined in section 3 of the Picketing Ordinance ? On what date were the ladies acquitted ?

(b) What steps have Government taken, or propose to take to stop the police acting in this unlawful manner in arresting innocent persons ; and has any compensation been paid to the two ladies for unnecessary harassment, expense, and trouble ? If not, why not ?

The Honourable Mr. H. G. Haig : (a) The two women were arrested on the 26th May, 1932, as the police had reason to consider that they were committing an offence under section 3 of Ordinance V of 1932, by distributing leaflets and verbally advocating the use of Swadeshi articles in front of the shops of dealers in foreign cloth. They were detained in the judicial lock-up as the offence for which they were arrested was non-bailable. The trying magistrate took the view that no offence had been committed under section 3 and they were acquitted on the 9th June, 1932.

(b) The police did not act unlawfully and no question of compensation arises.

Mr. Gaya Prasad Singh : Is it not a fact that in arresting women on a charge which was not proved the police exceeded their authority ?

The Honourable Mr. H. G. Haig : The police cannot guarantee that every case they put forward will result in conviction.

Sardar Sant Singh : Are not the police required to see that the facts which they put forward before a magistrate are true ?

The Honourable Mr. H. G. Haig : Certainly ; the police were under the impression that the offence was committed, but the magistrate took a different view.

Sardar Sant Singh : If the magistrate finds that the facts as laid out before him by the police were not proved, are not the persons who suffered to be compensated therefor ?

The Honourable Mr. H. G. Haig : I cannot accept that doctrine.

Mr. Gaya Prasad Singh : Was this arrest made by the constables or by the Sub-Inspector of Police who is expected to know more of law ?

The Honourable Mr. H. G. Haig : I cannot say that ; but the arrest was made under the law.

Sardar Sant Singh : Was not the Court Inspector required to go into the facts before laying out a *challan* before the magistrate ?

The Honourable Mr. H. G. Haig : No doubt, Sir.

Mr. B. R. Puri : Has the Government made up its mind as to whether the view of the magistrate is correct or that of the police ?

The Honourable Mr. H. G. Haig : It is not a matter which has engaged the attention of the Government of India very deeply.

Mr. B. R. Puri : Has the Government taken any steps to file a revision or an appeal against the decision of the magistrate, because it involves a question of principle ?

The Honourable Mr. H. G. Haig : No, Sir. If the Government took steps to get a reversal of the decision of the court in every case in which the prosecution fails, I am afraid we should be landed in very extensive action.

Mr. B. R. Puri : I quite agree, but that is not what I meant. It is a well-known principle which underlies this particular offence, for these people were hauled up and therefore it was up to the Government to make up its mind.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member will please ask a supplementary question and not make a statement.

Mr. B. R. Puri : I will put it in the form of a supplementary question. Has the Government been able to decide once for all that the facts upon which these people were sent up by the police before the magistrate did really disclose a case either under the Ordinance or under any one of the other Acts ?

The Honourable Mr. H. G. Haig : The question whether an offence has been committed is one of interpretation of facts and that must be left to the courts.

Mr. Gaya Prasad Singh : If it is a fact that two innocent ladies were arrested and detained in prison for some days and they were afterwards released, why do not Government propose to give compensation to them and to punish the police officer who was responsible for the arrest of these two innocent ladies ?

The Honourable Mr. H. G. Haig : It is perfectly true that they were acquitted by the court but Government do not accept the principle that whenever a court acquits accused persons they should be granted compensation.

Sardar Sant Singh : Do not Government accept the well-known principle of law that there is no injury for which there is no remedy ?

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state if these pamphlets which they distributed really only urged people to use Indian made things ?

The Honourable Mr. H. G. Haig : It is entirely a question of the circumstances under which this urging took place.

Mr. Lalchand Navalrai : Is it not a fact that they were urging that only and nothing else ? Were these pamphlets seen by Government ?

The Honourable Mr. H. G. Haig : As I have just said it is a question of whether in urging these views in front of shops of dealers in foreign cloth they were committing an offence under the section of the Ordinance.

Mr. Lalchand Navalrai : Is it not a fact that urging people to use Indian goods is no offence ? And what difference does it make if it is done in front of particular shops ?

The Honourable Mr. H. G. Haig : It is a question of intention.

DETENTION OF CERTAIN YOUNG MEN IN THE MUGHAL FORT, DELHI.

69. ***Mr. Gaya Prasad Singh :** Is it a fact that about a dozen young men were being detained about June this year in the Mughal Fort, Delhi, under the charge of the C. I. D., and that no interviews with them were being allowed ? If so, who are those young men, since how long have they been detained, under what law, and on what charges ?

The Honourable Mr. H. G. Haig : Eight men, connected with the revolutionary party were detained during June, 1932, in a lock-up in the Fort which was being temporarily used by the police. Seven were detained for two weeks each and one for a month. Five were charged under the Indian Telegraph Act, two under the I. P. C. and one was detained under section 3 of the Emergency Powers Ordinance of 1932. Interviews with them were not prohibited, and in fact four of them had interviews.

Mr. Gaya Prasad Singh : What were the specific offences with which these young men were charged ?

The Honourable Mr. H. G. Haig : I think, Sir, the charge under the Indian Telegraph Act was of mischief. As to the others, I have not the information with me.

Mr. Gaya Prasad Singh : But that was included in the question.

DEPORTATION OF CERTAIN CLASSES OF PRISONERS TO THE ANDAMANS.

70. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that certain classes of prisoners have been, or are about to be, deported to the Andamans ?

(b) If so, will Government please place a statement on the table, giving the names of prisoners, the Provinces and Districts to which they belong, the specific offences for which they were imprisoned, their terms of imprisonment ; and the dates on which they were deported to the Andamans ?

The Honourable Mr. H. G. Haig : (a) The Government of India have sanctioned the transfer of a certain number of prisoners, convicted in connection with the terrorist movement, from the Jails in Bengal to the Andamans.

(b) They do not propose to call for the information referred to in the question.

Mr. Lalchand Navalrai : Will Government be pleased to state if there is no other place in India nearer than the Andamans where they could be sent without any danger ?

The Honourable Mr. H. G. Haig : Government considered that the best place in which to detain them would be the Andamans.

Sir Cowasji Jehangir : May I ask the Honourable Member whether, in view of the fact that a different class of prisoners is being sent to the Andamans, any special arrangements are to be made for these men, or are they to be treated like other prisoners ?

The Honourable Mr. H. G. Haig : Special arrangements are made. The ordinary arrangements in the Andamans contemplate that after a certain period the convicts go out into the settlement. The arrangement we are making with regard to these terrorist convicts is that they should be detained in the cellular jail.

Mr. Gaya Prasad Singh : Is it a fact that a committee was appointed some time back which recommended that the Andamans should be abandoned as a penal settlement and that this recommendation was accepted by Government ?

The Honourable Mr. H. G. Haig : It has been the policy for some years to reduce the number of convicts in the Andamans.

Mr. K. C. Neogy : Was this action taken at the instance of the Government of India or at the instance of the Secretary of State ?

The Honourable Mr. H. G. Haig : It was taken in consultation with the Government of Bengal.

Mr. K. C. Neogy : Who took the initiative in the matter ?

The Honourable Mr. H. G. Haig : The Government of Bengal.

Mr. B. Das : Did not the Calcutta European Association suggest such a measure ?

The Honourable Mr. H. G. Haig : I am not as familiar as my Honourable friend with all the proceedings of the European Association.

Mr. K. C. Neogy : Is it not a fact that some sort of an assurance to this effect was given by the Secretary of State in reply to a question in the House of Commons before this step was decided upon by Government ?

The Honourable Mr. H. G. Haig : Does my Honourable friend refer to a comparatively recent statement in the House of Commons, within the last two months ?

Mr. K. C. Neogy : Yes, Sir.

The Honourable Mr. H. G. Haig : That was made after proposals had been sent to the Secretary of State by the Government of India and approved by him.

Mr. K. C. Neogy : How is it that non-official members belonging to the Conservative Party get at these things and are in a position to put timely questions in a very adroit manner ?

The Honourable Mr. H. G. Haig : I cannot give any answer about conditions in England.

Mr. C. S. Ranga Iyer : Will Government be pleased to state if any detenues are to be deported to the Andamans ?

The Honourable Mr. H. G. Haig : There is no such intention.

SUICIDE COMMITTED BY MRINAL KANTI ROY CHAUDHURY, A DETENU IN THE DEOLI DETENTION CAMP.

71. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that Mrinal Kanti Roy Chaudhury, a detenu, committed suicide in the segregation cell in Deoli Detention Camp (Ajmer-Merwara) ? When was he transferred to Deoli ? If so, why was he put in the segregation cell ?

(b) Why was the cremation hastily performed in Deoli, in spite of the telegram of Diwan Bahadur Harbilas Sarda, M.L.A., and without waiting for the arrival of his relatives in Deoli ?

(c) Why was a message on this subject, wired by the correspondent of the *Hindustan Times*, not allowed to be delivered to the paper (*Vide the Hindustan Times*, dated 9th June, 1932) ?

The Honourable Mr. H. G. Haig : (a) Mrinal Kanti Roy Chaudhury arrived at the Deoli Camp Jail on the 29th May, 1932. He committed suicide on the afternoon of the 5th June, 1932. He was given separate accommodation outside the Jail at his own request. The facts are fully stated in a communiqué issued by the Government of Bengal on the 8th June, 1932, to which I draw the Honourable Member's attention.

(b) Owing to climatic conditions it was not practicable to delay cremation till the arrival of relatives from Bengal. This was explained to the detenus, five of whom were permitted to be present at the ceremony.

(c) The telegram which purported to repeat a telegram from the detenus was considered objectionable, and was withheld under Rule 15 of the Indian Telegraph Rules.

Mr. K. C. Neogy : On which date was this detenu separately confined ?

The Honourable Mr. H. G. Haig : I shall require notice of that. If the Honourable Member will put down a question, I shall be glad to answer it.

Mr. K. C. Neogy : Is it not a fact that in the communiqué to which my Honourable friend refers it was stated that this particular detenu was apprehensive of bodily injury at the hands of other detenus and that was the reason why he was kept apart from others ?

The Honourable Mr. H. G. Haig : That is so, Sir.

Mr. K. C. Neogy : With reference to the inquest that was held on the dead body of this particular detenu and with reference to the statement made in the finding of the honorary magistrate to the effect that "the chief cause of his act was apprehension of his bodily safety at the hands of his fellow detenus if sent back to live amongst them in the jail", will the Honourable Member be pleased to state what evidence there is to support this statement of the honorary magistrate ?

The Honourable Mr. H. G. Haig : The deceased, I understand, approached the Superintendent a day or two beforehand and it was on his initiative that he was removed outside the jail.

Mr. K. C. Neogy : Is there any regular evidence on record in this particular case which is required, I think, under section 176 of the Criminal Procedure Code ?

The Honourable Mr. H. G. Haig : The Magistrate conducted a full inquiry and took all the evidence that was available.

Mr. K. C. Neogy : Will the Honourable Member be prepared to place the evidence on the table of this House ?

The Honourable Mr. H. G. Haig : I shall be glad to place on the table the whole order of the Magistrate which is a fairly full document.

Mr. B. R. Puri : Will the Honourable Member be pleased to tell us what the telegram of Mr. Sarda contained and how it was worded ?

The Honourable Mr. H. G. Haig : I do not think that I have it with me at the moment.

Mr. K. C. Neogy : Was any medical examination held of the detenu on his arrival at Deoli ?

The Honourable Mr. H. G. Haig : I think information on that point will be found in this document which I propose to place on the table.

Mr. K. C. Neogy : Is there any regular practice of having detenus medically examined on their arrival at the detention camp and also periodically afterwards ?

The Honourable Mr. H. G. Haig : There is a medical officer in charge of the jail.

Mr. K. C. Neogy : Is a practice like that which I suggest required by Government to be followed by him ?

The Honourable Mr. H. G. Haig : I doubt whether there is a definite rule but Government officers pay special attention to the health of the detenus and in this case there was no doubt that at a very early date the detenu was medically examined.

Mr. K. C. Neogy : Is the Honourable Member aware that about 72 detenus who were associated with him in jail in Calcutta, prior to the transfer of this detenu to Deoli, actually addressed a petition from the Calcutta Presidency Jail to the Governor of Bengal in June last, after this detenu had committed suicide, giving a detailed account of the serious state of the health of the deceased detenu prior to his removal to Deoli and protesting against the suggestion that had been published in the newspapers that he was suspected as a spy by his companions in jail ?

The Honourable Mr. H. G. Haig : I am aware that certain detenus did not accept the finding of the Honorary Magistrate.

Mr. K. C. Neogy : I am not merely referring to that. Is the Honourable Member aware that in that petition a detailed account of the serious state of health in which the detenu was prior to his removal to Deoli was given ?

The Honourable Mr. H. G. Haig : No, Sir : I am not aware of that.

Mr. K. C. Neogy : Will the Honourable Member be pleased to inquire and find out whether such a petition had been received by the jail authorities and whether it was transmitted to the proper quarters and whether any inquiry was made into the allegations contained therein with reference to the state of health of this detenu and his treatment in jail prior to his removal to Deoli ?

The Honourable Mr. H. G. Haig : In the course of the inquiry held by the Magistrate the point of view which my Honourable friend has

just explained to the House was fully placed before the magistrate and it was not accepted by him.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Will the Honourable Member allow some other Members to put supplementary questions ?

Mr. K. C. Neogy : I have not finished my series of questions : but I shall do just as you like, Sir.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I will give the Honourable Member his chance later : but I see that Mr. Mitra has been waiting for several minutes.

Mr. S. C. Mitra : Is it the general practice in these detention camps to permit detenus to have separate and specific habitation in the jails when they want it, as has been done in this particular case ?

The Honourable Mr. H. G. Haig : I think normally the detenus live in joint barracks. If for any special reason the Superintendent thinks it desirable that any particular detenu should be given separate accommodation that is entirely a matter within his own discretion.

Mr. S. C. Mitra : What was the special reason in this case for giving him separate habitation ?

The Honourable Mr. H. G. Haig : The reason was that he asked for special accommodation.

Mr. S. C. Mitra : What reasons did he give for asking for this separate habitation ?

The Honourable Mr. H. G. Haig : I have just been through that story with the aid of the Honourable Mr. Neogy.

Mr. Gaya Prasad Singh : Was this detenu sufficiently protected from the other detenus at the time he committed suicide ?

The Honourable Mr. H. G. Haig : Yes.

Mr. Gaya Prasad Singh : What then was the motive of his committing suicide, if he was sufficiently protected at the time ?

The Honourable Mr. H. G. Haig : That is one of the curious features undoubtedly of the case.

Dr. Ziauddin Ahmad : Is it not desirable to have a medical inspection of all the detenus at the time of their admission ?

The Honourable Mr. H. G. Haig : At what stage ?

Dr. Ziauddin Ahmad : At the time of their admission.

The Honourable Mr. H. G. Haig : It is probably desirable that whenever they are admitted to a new camp they should be medically examined.

Mr. K. C. Neogy : Will the Honourable Member be pleased to inquire from the Government of Bengal and find out as to whether it is not a fact that this detenu after having been in custody in Bengal for some months developed high blood pressure and later on tuberculosis accompanied by regular hæmoptosis or blood vomiting ?

The Honourable Mr. H. G. Haig : It was suggested that he was possibly suffering from the earlier stages of tuberculosis.

Mr. K. C. Neogy : Did the Honourable Member try to find out whether there was actually any hæmoptosis accompanying other symptoms of tuberculosis ?

The Honourable Mr. H. G. Haig : No : I do not know that this is particularly relevant to the unfortunate question of his suicide.

Mr. K. C. Neogy : My Honourable friend's ideas about relevancy may be different from mine ; but will the Honourable Member further inquire and find out as to whether the detenu had made repeated prayers while in detention in Bengal for expert examination and special treatment and whether his applications were all supported by the medical officer in charge of the detention camp and whether in the beginning all these applications of his were withheld by the authorities and were not transmitted to the proper quarters ?

The Honourable Mr. H. G. Haig : I think the Honourable Member must be content with the promise I have already made.

Mr. K. C. Neogy : Will the Honourable Member further inquire and find out whether it is a fact that his condition became very serious in the detention camp and that the Commandant who was a European suggested that the detenu should be detained in some dry place and as a result he was sent to Deoli ?

The Honourable Mr. H. G. Haig : I am not aware of that.

Mr. K. C. Neogy : Will the Honourable Member find out as to whether it is a fact that after the orders of Government were received for transferring him to Deoli, the Commandant postponed his departure because the detenu was in far too weak a state of health to be removed ?

The Honourable Mr. H. G. Haig : No : I do not propose to make any further inquiries.

Mr. K. C. Neogy : May I know why the Honourable Member declines to make an inquiry into a very serious matter which concerns the death of an unfortunate detenu who was not tried for any offence ?

The Honourable Mr. H. G. Haig : My point, to which the Honourable Member took exception, is that I do not regard these matters as relevant to his death.

Mr. K. C. Neogy : Will the Honourable Member be pleased to make a reference to the Government of Bengal and find out at least one fact, as to whether it is not true that when he was ordered to be removed from the Presidency Jail where he was kept, on his way to Deoli, he had actually to be carried in a sick chair because he could not walk up to the office where he had to sign a paper on the eve of his departure for Deoli ?

The Honourable Mr. H. G. Haig : I would suggest, Sir, for your consideration that as the Honourable Member is anxious to put a large number of questions, which to my mind do not directly arise out of the question that is before the House, he should put them separately.

Mr. K. C. Neogy : I will do that, Sir, if you so direct.

REPRESENTATIVES OF INDIAN CHAMBERS OF COMMERCE FOR THE OTTAWA CONFERENCE.

72. *Mr. Gaya Prasad Singh : (a) Is it a fact that in course of the reply to a letter of the Indian Chambers of Commerce, enquiring whether they will be invited to appoint representatives to attend the Ottawa Conference, Government stated that the Federation have expressly and publicly disassociated their organisation with the whole object of the Ottawa Conference ?

(b) What is the object of the Ottawa Conference, and have the nominees of Government received any instructions on the point ?

The Honourable Sir C. P. Ramaswami Aiyar : (a) Yes, Sir.

(b) The attention of the Honourable Member is invited to the statement made by Sir George Rainy in this House on the 4th April, 1932. The answer to the latter part of the question is in the affirmative.

Dr. Ziauddin Ahmad : May I ask whether membership at the Ottawa Conference was limited only to those persons who would say ' yes ' to every proposal put to them or whether it also included persons who were willing to discuss matters put before them ?

The Honourable Sir C. P. Ramaswami Aiyar : Honourable Members of this House may easily realise the answer to that question is in the negative.

Mr. K. Ahmed : In view of the fact that the *ex-Commerce* Member, Sir George Rainy, admitted that at Ottawa that there should be clear and final conclusions of confirmation arrived at in this Assembly and an undertaking was given by him that nothing will be binding, would it not have been better if the Government of India had asked this Assembly to select their representatives to the Ottawa Conference rather than undertake the responsibility to choose representatives of this Assembly and outsiders, some of whom were not quite fit or proper persons, half-educated, not worthy of the intelligence of this House and of the subject they had to discuss at the Conference and who could not therefore be recognised to deal with the subjects there before the Conference at all ?

The Honourable Sir C. P. Ramaswami Aiyar : When Mr. R. K. Shanmukham Chetty returns he will probably deal with the question that has been put to the House by my Honourable friend, as to whether he is a half-educated man.....

Mr. K. Ahmed : On a point of order, I never said that Mr. R. K. Shanmukham Chetty is a half-educated man.

The Honourable Sir C. P. Ramaswami Aiyar : When Sir Padamji Ginwala's name is mentioned, the House might probably also be able to realise whether he is a half-educated man.

Mr. K. Ahmed : He does not belong to this Assembly : I never said his name either.

The Honourable Sir C. P. Ramaswami Aiyar : He did belong to the Assembly, and my Honourable friend is wrong. As for Seth Haji Abdoola Haroon, I do not know what my Honourable friend has to say of him : he is a man of experience. As for Sir George Rainy I do not think that particular appellation would fit him accurately.

Mr. S. C. Mitra : On a point of order; Sir ; is it the proper way of answering a question as the Honourable the Leader of the House is now answering ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member asked a question and charged the Government with sending to Ottawa half-educated men.

Mr. K. Ahmed : No, Sir : only those of them—some of whom are Members of this Assembly and outsider ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable the Commerce Member is giving him a full answer.

Mr. K. Ahmed : Very kind of him, Sir.

MOTION FOR ADJOURNMENT.

TERMS OF REFERENCE TO THE ADVISORY CAPITATION TRIBUNAL.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I have received a notice from Mr. B. Das that he proposes to
 12 NOON. ask for leave to make a motion for adjournment of the business of the House to-day for the purpose of discussing a definite matter of urgent public importance as follows :

“ The unsatisfactory character of the terms of reference to the Advisory Capitation Tribunal.”

I have to inquire whether any Honourable Member has any objection to this motion.

(No objection was taken.)

As no objection has been taken, I declare that leave is granted, and that the motion will be taken up for discussion at 4 P.M., this afternoon.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Alan Parsons (Finance Member) : Sir, I lay on the table a statement containing the information obtained from Accounts Officers in connection with part (a) (i) of Mr. A. Das' question No. 81 on the 1st February, 1932.

WITHDRAWALS FROM THE GENERAL PROVIDENT FUND FOR INVESTMENT IN
STERLING INSURANCE POLICIES.

Province.	Compulsory.		Optional.	Total of General Provident Fund.
	Non- Asiatic.	Asiatic.		
Madras	4,34,194	13,500	..	4,47,694
Bengal	3,25,048	..	2,53,408	5,78,456
Bombay	10,94,639	..	..	10,94,639
United Provinces	8,47,352	39,558	88,536	9,75,446
Punjab	7,61,278	83,354	..	8,44,632
Bihar and Orissa	1,32,422	..	4,55,658	5,88,080
Central Provinces	1,77,518	..	..	1,77,518
Burma	5,27,743	9,407	..	5,37,150
Assam	2,47,434	16,218	..	2,63,652
North-West Frontier Province	98,626	..	..	98,626
Accountant General, Central Revenues.	3,26,198	..	1,70,344	4,96,542
Deputy Accountant General, Central Revenues.	17,338	11,772	1,09,439	1,38,549
Accountant General, Posts and Telegraphs.	21,878	..	63,922	85,800
Railway Accounts	5,72,748	56,979	10,068	6,39,795
Total	55,84,416	2,30,788	11,51,375	69,66,579

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I lay on the table :

(i) the information promised in reply to starred question No. 791, asked by Mr. E. F. Sykes on the 15th March, 1932 ;
and

(ii) the information promised in reply to starred questions Nos. 730 and 733 asked by Sardar Sant Singh on the 9th March, 1932.

RATES FOR COMMON LABOUR IN THE DELHI PROVINCE.

791. The rates paid by private employers for unskilled labour on building work in New Delhi are reported to be in the neighbourhood of 7 annas a day for a man and 5 or 6 annas for a woman. The rates paid by Government for somewhat similar work vary between 7 annas and 9 annas a day for a man, while women receive 7 annas a day.

APPOINTMENT OF SIKHS AS PORTERS IN THE DELHI RAILWAY MAIL SERVICE.

730. (a) (i) 64.

(ii) Nil.

(b) The reply to the first part is in the affirmative. As regards the second part Government consider that the interests of minority communities, including Sikhs, are sufficiently safeguarded by existing orders.

APPOINTMENT OF SIKH PORTERS AND VAN PEONS IN THE RAILWAY MAIL SERVICE, DELHI.

733. (a) Yes.

(b) No Sikh candidate was available in 1930. In 1931 no post of porter or van peon was permanently filled owing to retrenchment. As regards the last part of the question the Honourable Member seems to be under some misapprehension as to the actual terms of the order to which he refers. His attention is invited to the reply given by the Honourable Sir Joseph Burre on the 9th March, 1932 to his starred question No. 728.

The Honourable Mr. H. G. Haig (Home Member) : Sir, I lay on the table the information promised by my predecessor in reply to question No. 396 asked by Sardar Sant Singh, on the 16th February, 1932.

PAUCITY OF SIKHS IN THE FIRST DIVISION IN CERTAIN DEPARTMENTS OF THE GOVERNMENT OF INDIA.

396. (a) and (b). The details are contained in a statement, I have laid on the Table.

(c) The Commerce, Legislative and Legislative Assembly Departments were not able to appoint a Sikh in the 1st Division either permanently or in a temporary capacity, as no qualified candidates of that community were available. In the Army Department a Sikh was appointed to officiate in the 1st Division.

(d) In no cases were Sikhs superseded in any of the offices referred to.

(e) In respect of Departments which recruit through the Public Service Commission, the new system of recruitment provides for the appointment of external candidates to the 1st Division for a proportion of the vacancies which occur, and this provides an avenue for the employment of members of minority communities including Sikhs in accordance with the principles already laid down by Government. Under rule 5 of the Legislative Assembly Department (Conditions of Service) Rules, 1929, which were published in Part I of the *Gazette of India*, dated the 31st August, 1929, the ministerial staff of the Legislative Assembly Department may be recruited either from among persons already in Government service, or from among persons, who are recognised as qualified by the Public Service Commission. That Department is no doubt aware of the position, and will consider the claims of the Sikh community when the occasion arises.

Mr. P. R. Rau (Financial Commissioner, Railways) : Sir, I lay on the table the information promised in reply to starred questions Nos. 267, 994, 464 and 466 and unstarred question No. 260 asked in the last session of the Assembly.

CONSTRUCTION OF WAITING ROOMS AT STATIONS ON THE BUKHTIARPORE-BIHAR LIGHT RAILWAY.

267. A waiting room was opened at Bukhtiarpore but was very little used ; in view of this and having regard to the present financial conditions, it is not proposed to construct at present waiting rooms at any other station on the Bukhtiarpore-Bihar Light Railway.

AUCTION OF LAND IN KAROL BAGH AND PAHARGANJ FOR RESIDENTIAL QUARTERS.

994. The Deputy Commissioner, Delhi, has reported as follows :

(a) A scheme for the auction of the leasehold of plots of land available for building purposes in Karol Bagh is under consideration. No such scheme is at present being considered for Paharganj.

(b) Only two applications from members of the staff of the Railway Clearing Accounts Office have been received by the Nazul Office.

RECRUITMENT OF BOY FIREMEN ON THE NORTH WESTERN RAILWAY.

464. (a) Boy Firemen Grade III were engaged during the years 1928, 1929 and 1930 in the following numbers :—

Year.	Hindus.	Muslims.	Sikhs.	Europeans and Anglo-Indians.	Other communities.	Total.
1928	4	..	2	13	..	19
1929	3	3	1	10	1	18
1930	1	2	1	4	..	8

(b) The Agent, North Western Railway reports that the appointments were made by selection primarily on the basis of merit.

(c) The Rules for the recruitment and training of subordinate staff on State-managed railways which were issued in 1931, and a copy of which is in the Library of the House, provide full opportunity to all communities to compete for the posts.

APPOINTMENT OF NON-MUHAMMADANS AS MECHANICAL DRAWING OFFICERS ON THE NORTH WESTERN RAILWAY.

466. (a) The reply is in the affirmative.

(b) The posts are not reserved to be filled by Mohammedans. Appointments of non-Muslims to these posts have been made in the past.

(c) Technically qualified men are required for these posts in the Mechanical Drawing Office, and appointments are made by examination. Recently a Hindu was successful in obtaining an appointment in the Mechanical Drawing Office.

(d) No. I would add that the policy of Government to prevent the preponderance of any community in Railway Service is followed on the North Western Railway.

RETRENCHMENT IN THE MORADABAD ENGINEERING WORKSHOPS.

260. (a) The services of 39 temporary men, including a time-keeper, employed in the Moradabad Engineering Workshop, East Indian Railway, have been terminated since the 8th March, 1932.

(b) No ; only the most junior men have been retrenched.

(c) The emergency cut of 10 per cent. was applied in the same manner and at the same time as for all other Railway staff. The wages have not otherwise been reduced.

The Honourable Sir C. P. Ramaswami Aiyar (Member for Commerce and Railways) : Sir, I lay on the table the information promised in reply to starred question No. 812, asked by Mr. S. G. Jog, on the 15th March, 1932.

FEES CHARGED FROM VISITORS TO STEAMERS.

(a) No. It is understood, however, that at the port of Bombay the shipping companies carrying passengers to Europe charge a fee of Rs. 3 for a visitor's pass to board their steamers on arrival or departure.

(b), (c) and (d). Do not arise.

(e) and (f). No statistics have been compiled and Government have no *locus standi* in the matter, but it is understood that charity benefits in respect of all such collections.

Mr. H. A. F. Metcalfe (Foreign Secretary) : Sir, I lay on the table the information promised in reply to starred questions Nos. 878 and 879 asked by Maulvi Sayyid Murtuza Saheb Bahadur on the 23rd March, 1932

WATER SUPPLY AT AJMER.

878. (a) (i) Yes.

(ii) The water passes from the reservoirs and service wells into tanks from which it flows by gravity into the water system of the city. The capacity of the tanks is as follows :

- (1) 34,000 gallons.
- (2) 3,00,000 gallons.
- (3) 3,00,000 gallons.

The daily consumption of water is about 9 lacs gallons. It is therefore obvious that the water is not stored for several days in little tanks. Arrangements are being made to fence in the area in which the tanks are situated.

(iii) The latest Census figures show the population of Ajmer city to be 1,19,524. In addition to the Municipal pipe supply there are various tanks and wells in the city from which inhabitants draw water. A comprehensive scheme for the definite improvement of the water supply including the setting up of a complete filter plant is under consideration. The sum of Rs. 1,40,000 has been set aside from revenue for this purpose and it is proposed to raise the balance required by a Municipal loan with the approval of the local Government.

(b) (i) Owing to the unfortunate fact that the Birath system has existed in Ajmer city from time immemorial, it is practically impossible to arrange for the removal of refuse and foul water at night. Night soil from private latrines and privies is not removed in carts but by birath sweepers as headloads by back lanes.

(ii) In spite of constant prosecutions it has not been possible to prevent birath sweepers from tipping night soil into foul water carts. To give one set of concrete examples. During the period from February, 1931 to November, 1931 there were 168 prosecutions for this offence. The cases were heard by Honorary Magistrates and resulted in three dismissals and 125 convictions, and 40 cases are pending in the court. The total fines inflicted amounted to Rs. 48-4-0 an average of 0-6-2 per conviction.

(iii) This is a misstatement of fact.

(iv) There is no Health Officer. The water from Bhaonta has been certified as potable in September, 1931. The water from Foy Sagar is chlorinated before issue.

(v) Attention is invited to replies at (a) (iii) and (b) (iv).

(c) This statement is obviously true and has been made by many authorities.

(d) The Local Administration is doing all that is possible to improve matters.

MANAGEMENT OF THE FINANCES OF THE MUNICIPAL BOARD, AJMER.

879. (a) (i) Yes, but the amount written off was Rs. 5,477-10-0 and not Rs. 5,388-1-8. This amount which was outstanding under the head "Advances" in the accounts of the Ajmer Municipality was largely fictitious, due to the fact that until recently the distinction between "Deposits" and "Advances" was not clearly understood or observed in the Municipal accounts and under a misconception the amounts which were in fact "Deposits" were indiscriminately included under the head "Advance". A clerk deputed from the office of the Accountant General, Central Revenues, with an Assistant Accounts Officer of the same office who came to inspect the accounts of the Municipality were unable to trace the items in the old accounts and adjust them nor could any thing tangible be done by the Government auditors in this respect, though they were given access to the records of the Municipality.

(ii) No. The Committee are now making a genuine attempt to put the accounts of the Municipality in order.

(iii) No. The facts are, that a sum of Rs. 3,700 was sanctioned by the Local Government for the maintenance of suburban roads in Ajmer during 1924-25. An extra expenditure of Rs. 337-15-4 was incurred by the Municipality on this account. The excess expenditure was sanctioned by the Local Government.

(b) In view of what has been stated in reply to (a) (ii) above the Local Government do not propose to take any further action for the present.

TILE HINDU MARRIAGES DISSOLUTION BILL.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Legislative Business. Further consideration of the motion moved by Sir Hari Singh Gour on the 4th February, 1932.....

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Mr. President, you will find in the Agenda before us that there are some Bills to be introduced by some Members, but according to some Standing Order these have been entered at the bottom of the list. I ask for permission of the House through you, Sir, that the Bills which are to be introduced should be taken up first. This procedure was adopted in the previous session as well, and so this will not be a new procedure.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Honourable Members are aware that the Chair has repeatedly said that if some change in the procedure is asked for by the House unanimously, the Chair will not stand in the way. There is, however, one aspect of this question to which the Chair wishes to draw the attention of this Honourable House. According to the Standing Orders, as they stand, Bills for introduction at later sessions of the Assembly are put down on the Agenda after those previously introduced. A departure was made in this procedure in Delhi to allow Bills to be introduced out of their turn with the unanimous consent of the House, and if the House unanimously wishes a similar departure to be made on the present occasion, the Chair will not stand in the way. Before ascertaining the wishes of the House in the matter, the Chair desires to ask when there are so many Members who are affected in the matter of introducing new Bills in the Assembly, why is it that for so many years no effort has been made to amend the Standing Order when the power of doing so vests in the Assembly ? When there are so many Members anxious to introduce new Bills at each session of the Assembly, why don't they take the trouble of giving notice of an amendment of the Standing Order. On the present occasion I will ask the House again if they would allow new Bills to be first introduced, but the Chair wishes to warn Honourable Members that it will not permit the regular procedure provided in the Rules and Standing Orders to be departed from if they will not take the trouble of exercising their privilege of bringing forward for discussion an amendment of the Standing Order.

Is it your pleasure, gentlemen, to allow the introduction stage to be taken up now for those Bills which appear on the Order Paper lower down ? The Chair has already informed the House that it will only allow it if the House is quite unanimous.

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House) : Mr. President, I have been considering the remarks that have fallen from the Chair, and with reference to the general observation, I have only to add that it is possible to consider another aspect of the matter, namely, that it may be inexpedient and inconvenient to have a number of Bills pending at the same time...

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. The Honourable Member is going into the merits of a motion for amendment of the Standing Order which is not now before the House. When it comes up, there will be ample opportunity for a full debate, and

[Mr. President.]

a majority of the House will decide the issue. I will now ask whether the House is unanimous in allowing motions for introducing new Bills on the Order Paper out of their turn. Does any Member object ?

The Honourable Sir C. P. Ramaswami Aiyar : I object, Sir.

Kunwar Hajee Ismail Ali Khan (Meerut Division : Muhammadan Rural) : I also object, Sir.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : As the House is not unanimous, it cannot be done.

Further consideration of the following motion moved by Sir Hari Singh Gour on the 4th February, 1932 :

“ That the Bill to remove certain doubts regarding the dissolution of marriages of persons professing the Hindu religion be referred to a Select Committee consisting of Mr. R. K. Shanmukham Chetty, the Honourable the Home Member, Diwan Bahadur Harbilas Sarda, Mr. C. S. Ranga Iyer, Mr. B. R. Puri, Sardar Sant Singh, Lala Hari Raj Swarup, Dr. Zia-ud-Din Ahmad, Mr. B. V. Jadhav, Mr. B. Sitaramaraju, Mr. R. S. Sarma, Sir Lancelot Graham, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.”

and the amendment* for circulation, moved by Mr. Sitaramaraju.

Dr. F. X. DeSouza (Nominated Non-Official) : It is with some hesitation that I intervene in this debate. The subject is one which concerns the Hindu society exclusively; and some Honourable Members have expressed to me their view that it is a subject exclusively for self-determination by the community concerned. I am in general agreement with that view. On the other hand, as a Member of this Honourable House, I feel it my duty to record a considered vote on all questions that come up before it, to whatever community they may pertain. Were it otherwise, it would follow that, if it be a question, say, which concerns the Indian Christian community, of which I am the sole representative in this House, I should be the only person entitled to speak and to vote. I venture to think that the constitution hardly intended to make me the sole legislator for my community.

Sir, I intervene with the less hesitation, because I feel that I am in a position to throw some light on the measure before the House. The problem which it attempts to solve is on all fours with the problem which faces members of my own faith. Honourable Members are aware that under the Canon law, which is the personal law of all Catholics throughout the world, a validly contracted marriage is incapable of dissolution under any circumstances whatsoever. If to the Hindu a marriage celebrated in one of the approved forms, or *lagna*, as it is technically called, is a *sanskar*, to the Catholics Holy matrimony is a sacrament, and as my Honourable friend, Pandit Satyendra Nath Sen, pointed out—I am glad to see him here today—the etymological origin of *sanskar* and sacrament is identical. While, therefore, in western countries, there has been a tendency in recent years towards the lessening of the marriage tie, the

*“ That the Bill be re-circulated for the purpose of obtaining further opinion thereon of the Hindu community including men and women of that community and also including their organisations.”

Church of Rome, which incidentally regulates the lives of more than 400 million souls throughout the world, has sternly set its face against that tendency and has rigidly enforced the precept of its founder, "Those whom God hath joined, let no man put asunder". This is the law prevailing throughout the whole of the Catholic world. My Honourable friend, Pandit Satyendra Nath Sen, the other day held up for our admiration the marriage law prevailing in the Irish Free State and quoted with approval the speech of Mr. Cosgrave in the Dail reprobating divorce. That is because the Irish Free State is a Catholic country governed by the Canon law which looks upon marriage as a sacrament. It is, therefore, interesting to see how the Canon law regards marriages celebrated under circumstances contemplated by this Bill.

I have said that, under the Canon law, a marriage validly contracted is incapable of dissolution under any circumstances whatsoever. But to be a valid marriage, obviously it is necessary that it should be contracted between parties both of whom are capable of understanding the nature and consequences of the marital relation upon which they are entering, and capable of giving a reasoned consent. A valid marriage, therefore, cannot be celebrated between parties one or either of whom is an imbecile within the meaning of clause 2 (b) of this Bill. Similarly, marriages celebrated between persons, one or both of whom are by reason of physical incapacity or loathsome and incurable disease, as contemplated in clause 2 (a) and (c) of the Bill, incapable of consummating the marriage, are null and void, because the primary purpose for which the marriage is performed fails from the very outset. In these cases it must be remembered that the disability *ex hypothesi* exists at the time when the marriage ceremony takes place. The marriage is, therefore, void *ab initio*. There can be no question of obtaining a dissolution of such a marriage, because the marriage has never taken place. The proper course in such cases is to obtain a declaration of nullity. It is, however, of no avail if the disability supervenes at a later stage; for in the Canon law, as under the Hindu system, once a marriage, always a marriage; there is no possibility of dissolution.

This, Sir, is the law as administered by the Church of Rome. It received a recent illustration in the case of an Anglo-American marriage between parties whose exalted position gave a certain notoriety to the case. But the law has always been of general application. I am, therefore, prepared to support this Bill on the understanding that the disabilities referred to exist at the time the marriage ceremony is performed and that the remedy provided is not by way of dissolution of the marriage but by a declaration of nullity. Beyond that I am not prepared to go.

I shall certainly not support a measure for giving facilities for making divorces easy, as is said to have been done in Baroda and Mysore.

It is a matter of surprise to me that the Government do not actively support a measure of this restricted scope. Their attitude with regard to legislation of this nature is contained in the memorable pronouncement made by the late Home Member. In his inimitable language he said :

"Government must consider closely their own position and that of the general public. It would in their opinion be a dereliction of duty on their part to support legislation fundamentally affecting the prejudices and sentiment of a vast majority of the population without the clearest and most convincing proof that not only will such legislation be acceptable but that it is urgently demanded."

[Dr. F. X. DeSouza.]

Sir, this attitude astonishes me. When public opinion attains such a pitch as is here described, there will be no need for Government support; the public will have embodied the practice in their daily usage which itself will have the force of law. The fact is that the Government of India have in recent years virtually abdicated its functions in the domain of social legislation, and to that extent forfeited its claim to be regarded as a civilised and a civilising Government. No wonder, then, that so conservative a statesman as the Marquess of Lothian stated in a recent interview that in his view, until the advent of a Nationalist Government, social reform will be in a state of arrested development in this country.

I am equally surprised at the attitude of enlightened statesman like my Honourable friend, Diwan Bahadur T. Rangachariar, who I regret is not here today, but who, in the course of the debate, moved the House to tears by drawing attention to the action of an inexperienced English Magistrate who ordered the *Mangal Sutra* of a married lady to be attached in payment of a fine, but he had no tears to spare for the woes of a girl, neither maiden, nor wife, nor widow, condemned to living death, without any hope of liberation till death puts an end to her misery.

It is not as if the ancient texts did not support the position taken up in the Bill. The texts from Narada and Vasishtha are cited in the Statement of Objects and Reasons. Mr. Mayne surmises that there were similar texts in Manu also, which were probably deleted under Brahminical influence. But, Sir, these texts, sacred as they are rightly held to be, were appropriate to the social order to which they applied, but we all know, Sir, that in the words of the poet :

“The old order changeth yielding place to new
and God fulfils himself in many ways
Lest one good custom should corrupt the world.”

And when the new customs supersedes the old, lawyers arise who either discover new texts or interpret old texts to bring the social usage in conformity with the law.

This is the normal course of evolution of social legislation but unfortunately in India the advent of English judges arrested this normal course of evolution. At first English judges were bound to consult the pundits on all disputed points of law and they turned to pundits of the type, shall I say, of my Honourable friend Raja Bahadur Krishnamachari or Professor Satyendra Nath Sen, men extremely learned in the Shastras but somewhat reactionary in their views—I say that with all due deference—and able to support their views by a multiplicity of texts, relevant and irrelevant. Gradually the integrity of the pundits came under suspicion and English judges proceeded to interpret the sacred texts independently of the pundits. Mr. Mayne in a memorable passage has pointed out how in this process English judges being out of touch with Hindu society, where the law had outgrown the authorities, pedantically adhered to doctrines whose letter was still existing but whose spirit was dying away. The consequence was, says Mr. Mayne, a state of arrested progress in which no voices were heard unless they came from the tomb. It was as if a German were to administer English law from the resources of a library furnished with Fleta Glanville and Bracton and terminating with Lord Coke.

I should have thought that Government would be ready to step in to undo the mischief done by their judges. The tendency in all early systems of law is to regard woman as almost a chattel. Early Roman law dealt with her very much as Manu deals with her. She had no personal or proprietary independence. The law placed her in the *patria potestas* of her father before marriage; after marriage she passed in *manum viri*, that is in law she became the daughter of her husband and included in his *patria potestas* and on her widowhood she passed to the tutela of her son.

Similarly in English common law, the legal existence of the wife, as a distinct person was almost suspended during her coverture and she was incapable of holding any separate property or asserting any right not only against him but also against others without his concurrence.

How did woman occupying so dependent a position in both these systems develop into the powerful matron of the late republic and Early Empire and into the enfranchised English woman of to-day? If she had to wait till the social consciousness of the masses developed into an insistent demand for urgent legislation, as the Home Member wants us to do, she would have had to wait till doomsday. It was the Roman prætor who moulded the law in accordance with enlightened opinion by invoking the *jus gentium* to override the rigid texts of the *jus civile*. It was the English Chancellor who invoked principles of justice, equity and good conscience to soften the asperities of the common law.

May I, Sir, address an appeal to the Honourable the Law Member not to content himself with winning a forensic victory by devoting his powerful intellect to a technical criticism of the provisions of this Bill, but in the exalted office which he adorns to don the mantle of an English Lord Chancellor of the 18th century and boldly to initiate and actively to support legislation of this kind, taking as the measure of his intervention not the size of his foot as that Lord Chancellor is said to have done, but the degree of the warmth of his heart for the woes of oppressed womanhood.

One word more and I have done. It was said that when the country is engrossed in the struggle for constitutional reform, the Assembly should not allow its attention to be distracted by contentious social legislation. Sir, we are a nation rightly struggling to be free. We claim freedom as our birthright. But with what face can we claim freedom if we refuse it to those who are dependent upon us whose birthright freedom equally is. Some time ago an attempt was made by an American writer to blacken the fair name of Mother India by dwelling on certain blotches in her social system as disqualifying her for political freedom. This House made a fine gesture when two years ago it placed on the Statute-book Mr. Harbilas Sarda's Child Marriage Restraint Bill. Is it too much to ask the House to make another gesture to-day by passing this Bill as an earnest of what the Nationalist Government of the future will do in the way of social legislation?

Mr. M. Maswood Ahmad : Sir, I rise to support the motion for the reference of this Bill to Select Committee. I can speak from my own personal experience that there have been cases of great hardship to the

[Mr. M. Maswood Ahmad.]

Hindu women who were deprived of the right of dissolution of marriage. Nobody can deny that a large number of Hindu women are reduced to an utterly helpless condition, which, in my humble opinion, should be avoided. I am glad to say that Islam recognised this principle of the freedom of women 1300 years ago. Sir, I cannot understand what benefit will be derived by recirculation. Much public money will be wasted and one more non-official day will be spent on this Bill. Some day our Hindu friends will have to pass or to reject the measure. Why not they do it to-day? We have already wasted too many days on this Bill.

Sir, I will ask for the establishment of a convention in this House that religious Bills should not be opposed either by the Government or the members of the communities whom the Bill does not affect. Let the measure be decided by the members of the community whom the Bill affects. If this convention is established and agreed to by all the Members of this House, I am sure, it will go a long way to improve the harmonious relations of the different communities of this great country. Religious Bills should be left entirely to the vote of those whom it concerns. I do not mean to say that nobody except those who are concerned should take part in the discussion also. Everybody is at liberty to express his views, but members of other communities and the Government should not go to either of the lobbies. I shall request the Government and my co-religionists to support me in this by refraining from voting. But of course if Government decides to vote against the Bill, we shall then be compelled to cast our votes in support of the motion of my Honourable friend, Sir Hari Singh Gour. However this procedure is to be followed when the original motion will be voted, but in any case the motion for recirculation should be opposed.

Mr. S. G. Jog (Berar Representative) : Sir, it is really very unfortunate that this Bill, introduced by our present Manu (Hear, hear), is passing through such unfortunate circumstances. This Bill has seen two sessions; and, if I remember aright, last time a very suspicious atmosphere was created, with the result that the Bill had to be shelved till this session. (*Mr. K. Ahmed* : "For want of a quorum.") Every Honourable Member knows what the reasons were. I am also glad to find that my friend, Dr. DeSouza, as well as my friend, Mr. Maswood Ahmad, have taken an interest in this subject. Sir, as a Hindu, as a progressive Hindu (*Mr. K. Ahmed* : "Hear, hear"), as a man entertaining some reformed ideas on society, I think it is my duty to express my views on this important subject. Sir, any discussion upon the forms of marriage or any question connected with it is of unending interest not only to the Hindu society, but to every society in the world. (*Mr. K. Ahmed* : "Not always.") Authors have written books in our Hindu Shastras, and Rishis after Rishis have come forth expressing their different views on matters concerning marriage. If you read any book upon Hindu law, you will find that there are various different forms of marriage; and if my friend, the present Manu, I mean Dr. Sir Hari Singh Gour, wants to follow and rely upon the old texts of the Hindu law, it will be very difficult in these days to say which Rishi to follow

and which to disregard. Sir, there is a Sanskrit proverb amongst us which says :

*Shrutayashcha dhinnaha !
Smritayashcha dhinnaha !
Naiko rishihi yasya matah pramanam.*

If you want to rely upon Rishis, you can get any number of Rishis expressing opinions this way or that way. If you go through the history of our old systems of marriage and if you go through the Mahabharata, your first attention will be called to Draupadi. Sir, at that time polyandry was prevalent. Does my friend, therefore, want to rely on this old custom in the days of the Mahabharata ? Different other forms of marriages are set forth. Apart from the systems of marriages which are approved or disapproved, there are eight forms of marriages mentioned. As years rolled on, and as people began to think and think, and as society changed, all these forms gradually dwindled down and they were only restricted to two forms of marriages. Likewise, in the case of sons we had about eight different categories of sons. There were also sons born of damsels, and those born before marriage ; and those who have studied the Mahabharata probably know that Kunti gave birth to a child when she was a damsel and gave birth to a son who subsequently was called Karna. My only object in drawing attention to these mythological instances is that you cannot rely on what took place in the old days and what was in vogue in those days. We are at present concerned with the present state of our society, with what stage our society has attained, with the question whether the existing marriage customs or ideas do need any change. That is the crux of the whole question. My friend has suggested that in certain three cases there should be a dissolution of marriage :

*Nashte mrite pravrajite klibacha patitau patau !
Panchatswapastu narinm pati ranyo vidhiyate !*

In those days, the society permitted, on the dissolution of marriage, a second husband.

Pandit Satyendra Nath Sen (Presidency Division : Non-Muhamadan Rural) : That is only apparent, not real.

Mr S. G. Jog : That view is expressed by one of the Rishis. Now the crux of the whole question is whether society, as it stands, now needs this change. I do not know what experience my Honourable friend, Sir Hari Singh Gour, has gained during his short sojourn in Japan. He must have studied society there, and probably in his reply he will enlighten us upon the system of marriage in vogue in Japan at present and any subsequent changes brought about recently. However, that is beside the point. So far as I am concerned, Hindu society at present seems to be divided into the higher educated classes and the other people who may be called the masses of Hindu society. The idea of a dissolution of marriage is of greater concern amongst the so-called educated classes. As regards the other classes, they have not yet been able to catch this idea, and so far as I can see they are not yet prepared for this change. Under these circumstances, I am personally in a fix as to whether we should vote in favour of this measure or oppose it. As there is nothing

[Mr. S. G. Jog.]

to show at present as to what society, as a whole, is thinking about this Bill, I feel inclined to support the motion moved by my friend, Mr. Sitaramaraju, that the measure should be circulated for eliciting public opinion.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : But he has not yet moved that ; he is not yet present.

Mr. S. G. Jog : At any rate when this question goes before the public and the women particularly have had the opportunity of discussing the matter and of sending us their opinions, and when in fact we shall have got opinions from all classes of Hindu society, then our hands will be strengthened either way. At present we have got nothing to go upon. If the feeling is created amongst the majority of the community in favour of this change as a result of this discussion, then the object of introducing this Bill, to my mind, will have been gained. I think the Mover of the Bill should remain satisfied for the time being. With these words, I support the motion of my friend, Mr. Sitaramaraju.

Mr. Gaya Prasad Singh : There is no such motion before us yet.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I have only a few words to say on this motion. I have no doubt that the Hindu law does not permit dissolution of marriage or divorce. Sir, in this debate two view points have been put before the House. One would be called the view point of the orthodox side, and the other that of the progressive side. We have heard both sides ; long speeches have been delivered, and long quotations have been given of such a nature that the Chair was constrained at the last session to remark that the House was getting tired. So, Sir, I would not impose any lengthy speech. But I must say that this question has got two sides to it. One is whether we should remain stunted and remain excluded from any further progressive ideas, *i.e.*, whether we should always continue to follow the customs and manners which suited those days when these customs and manners were laid down or go on with the times reasonably. On this point I would be positively against this Bill if this Bill had not been put in a restricted form. I do recognise that to generally allow divorces amongst the Hindus or to invalidate their marriages will be to disintegrate the domestic life of the Hindus. We know how these divorces are playing their worst part in the west. Those who have got information or knowledge of the west and who have seen the divorce courts there do fully know that these divorces are a calamity there. The married life is no life there at all, for men and women are allowed to go to the divorce courts even after two hours of marriage to get it dissolved. Therefore, I do seriously want that the principles and the Hindu ideals that we have must remain in India. We must carry on with those original ideas reasonably and not be swayed away by the glamour of the other countries and ruin ourselves. I would therefore submit that my own opinion with regard to the dissolution of marriages contemplated by this Bill is that if it had been drafted in a general form, asking divorcees to be allowed or the marriages to be declared invalid, on general grounds I would have been the first person to oppose it tooth and nail. But the Bill asks statutory sanction for asking for dissolution on the grounds of imbecility, impotency and incurable leprosy. So, I do realize the hardship which is apparent in certain cases where the women are debarred from asking for a dissolution on grounds which are mentioned in clause 2 of this Bill.

Now, these are the exceptional circumstances and are of a nature that one should feel pity on the party concerned. The second point that induces me not to oppose it whole-heartedly is this that it restricts itself to the volition or the choice of the woman herself to come forward and ask for a declaration. We know the old ideals which were based on morality point of view and on the virtuous ideas that women imbibed have happily lived and are carried on strictly up to now and we should not interfere with them but perpetuate them. We know also that the law permits at least this much that on those three grounds there can be a separation or what is called desertion in which case maintenance can be asked for. That being the case, I maintain that if a woman finds that she is not able to remain in the house without making her life absolutely miserable and comes forward with a request that she wants the dissolution of her marriage on these grounds, knowing full well that she may be exposing herself to adverse criticism, then I submit that there should be no obstacle in the way of such a woman. But there is one thing that I should suggest. As I said there is a strong opposition to this Bill from the orthodox quarter and they have put their case very vividly and I also know that on the other side also the progressive view has been clearly put in the House. I think we should not be hasty in sending this Bill to the Select Committee. We must wait to see that the opinion on this question is matured. We should know what the women now-a-days have been thinking of this Bill. I know that education has now spread in India and we know that women have been educated on the lines of the western civilization, therefore some of the women may come forward to condemn those orthodox people who are not in favour of this Bill being passed. But we must know the general opinion of women fully and satisfactorily. I think opinions have yet to be obtained which may be of such a nature as to induce us to agree one way or the other. That is my personal opinion that I have given and I do think that in such hard cases I will go with the progressive view.

The Honourable Sir Brojendra Mitter (Law Member) : Sir, the attitude of the Government with regard to this measure is one of strict neutrality. It is a measure of far-reaching consequences. It proposes to introduce the doctrine of dissolution of marriage into the Hindu Society. On a matter of such importance, Government would not be justified in taking a view which may, on the one hand, be against the general opinion of the community concerned, or, on the other hand, obstructive to necessary reform. Speaking personally, I think it is a humane measure, but nevertheless it is a measure which affects the Hindu community vitally. In these circumstances, without ascertaining the views of the community concerned, Government is not disposed either to support or to oppose the measure at this stage.

***Rao Bahadur B. L. Patil** (Bombay Southern Division : Non-Muhammadan Rural) : Mr. President, I rise to support the amendment moved by my Honourable friend, Mr. Sitaramaraju. Of course, it is my very painful duty to oppose the Bill so ably moved by my Honourable friend, Sir Hari Singh Gour. I, for one, openly declare that I am not orthodox and I stand for social reform, but I oppose the Bill only for this reason that, as the Honourable Sir Brojendra Mitter said, it is a matter of far-reaching consequence and public opinion in this respect should be fully obtained. That is the main reason why I support the amendment and oppose the Bill.

*Speech not revised by the Honourable Member.

[Rao Bahadur B. L. Patil.]

Sir, I think that the Bill is framed chiefly on the grounds of justice, equity and good conscience to a particular section of human beings in India, namely, the women of the Hindu society. If that is so, I might at once remark that this Bill is a half-way measure. There might be cases in which men also desire to get a divorce or dissolution. That aspect of the question is not included in this unfortunate Bill. Then, Sir, there is also another question. As my friend, Mr. Jog, very ably put forward, the Honourable the Mover of this Bill has only taken into consideration the text of ancient writers on this subject; but I should like to submit that the Hindu law, as it is administered in India today, is not only the text law of ancient writers, but it is a mixture of the text writers as well as the customs and usages of the Hindu society. Those customs and usages are not uniform throughout the whole of India. They differ from province to province and they also differ among different communities and castes of India. For these reasons, I think that it is in the interests of the community itself and in the interests of the Honourable the Mover himself that this Bill should be recirculated for eliciting public opinion. I am glad that the Honourable the Law Member has struck a note of neutrality on the part of the Government and I hope that other non-Hindu Members of this House will also assume an attitude of strict neutrality in this matter and leave this matter to be settled among the Honourable Members concerned.

Mr. Gaya Prasad Singh : I move that the question be now put.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is that the question be now put.

The motion was adopted.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, my Honourable friends have already pointed out that my Bill has passed the gamut of two sessions and several days' discussion and I should not have taken up the time of this House to-day were it not for the fact that my friends and my Honourable opponents on both sides of the House, while they recognise the innate justice of the measure for which I plead, feel some hesitation in supporting it on the ground, as some of them have said, that the Bill might be going too far, others on the ground that it does not go far enough. Take for example, my Honourable friend, Dr. DeSouza, who brought to the service of my Bill the canonical authority of his own Church which points out that in spite of the fact that Roman Catholic marriage is a sacrament, it cannot be held a marriage if it is contracted between persons either of whom is not in a position to enter into a contract and that in cases contemplated in clauses 2 and 3 of the Bill when a person is inherently incompetent to perform one of the chief offices of marriage, it cannot be called a marriage either in fact or in law. My Honourable friend was, however, doubtful whether my Bill was not confined only to the incapacity of the contracting parties at the time when the marriage was solemnised. I wish to draw his attention to the words I have used in clause 2 giving to the courts jurisdiction to declare the invalidity of a marriage which postulates that the incompetency must be at the time when the marriage contract takes place, and whether you call it a declaration of the nullity of marriage or of the invalidity of marriage, all I desire to do is that in cases of these extreme hardships, the justice of it everybody recognises, the courts should be armed

with the authority to declare that the conjugal contract had not in fact taken place and that is all that I intended to enact by this measure. I hope, Sir, that those who have any doubt at all on the subject will rest satisfied by the explanation I have given.

Turning now to my other friends, those of us who have listened to the passionate arguments that have come from my normal colleagues and supporters on these benches, I feel that no amount of argument that I can address them will make them a convert to my view. Conservatism is a habit of mind, it cannot be conquered by reason, it cannot be dethroned by argument, it is not open to persuasion. It is oblivious to all sound logic, all reason, all appeal to humanity or to the very elementary rights of humanity. It is impervious even to the wails and cries of those infants who are marched round the marriage post, taken from their cradle when they are not even old enough to walk about unassisted, upon whom is cast the heavy responsibility of marriage tie. When they grow up and become disillusioned, or may I say when they wake up to find that they had been thrown into a position of abject subjection and responsibility, when they are fore-doomed to live and die with a congenital idiot, a man who has been declared by a competent authority to be unable to take care of himself, whom Hindu shastric law enjoins that he is still competent to take care of a wife. If it is to such a congenital idiot and such a congenital lunatic these girls are mated, they have no redress against him and if such is the law, then I can only say that no Government whatever may be its might and power can stand the verdict of history and be characterised as otherwise than an uncivilised and brutal Government. What Government is there on earth that would be impervious to the call of these elementary rights which are denied to these children, rights, the denial of which lead to lifelong unhappiness and misery and subjection. I wish the same spirit which animated the hearts of the pioneers of English reformers in this country would be awakened in the modern Home Member and the Law Member and they would recognise that above the shastric law, above the canon law, there is a supreme law of justice and righteousness, of elementary rights of humanity and of long suffering females which transcends the bounds of shastric logomachy and shastric ratiocination and which can admit of only one reply and that is that our duty is to go forward and help those who are helpless.

It is, Sir, with that feeling and inspired with that hope that I ask

1 P.M.

Members on both sides of this House to support my motion. I am glad, at any rate, that the Honourable the Law Member has made a confession as to his own personal predilections in this matter. He has said that personally speaking he regards this as a humane measure. Will he and the Members who occupy the Government Benches come to my rescue because I am standing here to support a humane measure? I am asking Honourable Members of this House to support me because I am not introducing here a cataclysmic change in Hindu society. I am, as I have pointed out in my Statement of Objects and Reasons, on this occasion seeking to revive an old law which has become encrusted by the lapse of ages, the clearness and the soundness of which should be revived in view of the great injustice that is being done to the feeble and helpless sex. But whatever may be the fate of my measure, I see not in the long distance marching hordes of those sturdy female legislators who will come and occupy seats at present occupied by reactionaries and renegades and who will fight and fight with success for a

[Sir Hari Singh Gour.]

measure bolder and more reforming than what I have the courage to pioneer. I am asked by my esteemed friend, the pillar of orthodoxy: the emblem of which you can see imprinted on his forehead, why not wait till then? I ask him this question in return, why should I not do my duty if I feel and feel strongly that my society demands that there should be a social reconstruction, that my society demands that it should outlive its age-long stupor and apathy and launch upon a life of dynamic progress. I say the question is not why I should not wait but the question is why indeed I have waited so long. It is a reform long overdue, it is a reform which the Government should have piloted through this House, it is a reform the justice of which is seen by non-partisan Members of this House who have expressed themselves in no uncertain voice about it.

To one word, however, that has fallen from my friend, Mr. Maswood Ahmad, I must enter a respectful but emphatic caveat. He said that this is a piece of legislation which affects the Hindu society and, therefore neither the Government Members nor the Members of his community should take any part in this piece of legislation. Sir, I shall be the last person in this House to advocate an apotheosis of this communal spirit on the floor of this House. My Honourable friend, Mr. Maswood Ahmad, will recollect that ten years ago when I was piloting the Mussalman Wakf Bill through this House, it would not have become law but for the assistance I gave in the Select Committee. No Hindu or Muhammadan got up on that occasion and said that as it was a religious trust Bill of the Muslims I should not have taken a leading part but should have abstained from taking any share at all in the shaping of that Bill. Sir, I wish every Member of this House to forget that he belongs to any community. We are all here to legislate, we are all here as Indians for the purpose of serving the interests of India. I, therefore, deprecate any appeal made by my Honourable friend with the best of intentions that in all matters of social legislation the community concerned shall be the sole judge.

Sir, my Honourable friend, Mr. Jog, and others have said that we should sound the community concerned and see whether they are in favour of this Bill. Does my friend as a lawyer forget that if the conscience of the community had been roused to the necessity of this legislation, there would have grown up ages ago a widespread if not a universal custom which would have immediately become the customary law of the land and would not have necessitated this piece of legislation? But my friend must also not forget that so long as you have man-made law and man-made custom, so long as the strong oppress the weak and the males oppress the females, the rights of the females who are our mothers, daughters and sisters are apt to be forgotten. That has been the history of Europe, that is the history of this country, that is the history of my own community. We have made laws to suit ourselves. You and I can marry and go on marrying every time of the day, every day of the month, every month in the year. There is no limit to polygamy. But whereas you can have as many wives as you wish to have, what is the protection you are giving to the wife whom you are deserting and discarding? I ask Honourable Members to reply to this question. Is there any remedy for these unfortunate women whom you discard and desert and who, the shastric law enjoins, are entitled to no share of your estate beyond a bare starving allowance? It is against that that I am protesting and I hope that Honourable Members of this House will take courage in both hands and go

forward with this piece of legislation which will mark an epoch in the history of social progress in this country, and belie the castigations to which Hindu society has been subjected by foreign writers and to which reference has been made, namely, that while Hindus are political firebrands anxious for immediate Swaraj for which they will not wait, in matters of social legislation, they are the blackest reactionaries. They will not advance by one single hair's breadth when their own self-interest is concerned and when they have to give the most elementary rights to the female members of their own houses. They are most anxious to take but most unwilling to give. You cannot have it both ways. If you really wish to consolidate Hindu society, if you really wish that there should be a national life in this country, you must reconstruct that side and all communities must join hands in the work of this great national reconstruction. This is a small stone in the grand arch of social regeneration for which I am looking forward and for which I have been in my humble way working during the last twelve years that I have been a member of this House. During these last twelve years on several occasions I appealed to the Government Benches for assistance and I have not appealed in vain. My Civil Marriage Bill of 1923 received statutory recognition with the help of my European friends who felt that they could not conscientiously desist from giving their support to a measure of such transparent justice and I appeal to their successors today that if you feel that I am fighting for justice and bare justice, do not grudge me your vote ; do not hesitate to support this measure, because it is a measure not of social reform, but, as the Honourable the Law Member has put it, a measure of pure humanity. It is on that ground and fortified by that hope that I am sure this House will commit my Bill to Select Committee.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

" That the Bill be re-circulated for the purpose of obtaining further opinion thereon of the Hindu community including men and women of that community and also including their organisations."

The Assembly divided :

AYES—30.

Bagla, Lala Rameshwar Prasad.
Banerji, Mr. Rajnarayan.
Bhuput Sing, Mr.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Ghuznavi, Mr. A. H.
Hari Raj Swarup, Lala.
Ishwarsingji, Nawab Naharsingji.
Isra, Chaudhri.
Jehangir, Sir Cowasji.
Jha, Pandit Ram Krishna.
Jog, Mr. S. G.
Krishnamachariar, Raja Bahadur G.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navaraj, Mr.

Misra, Mr. B. N.
Mitra, Mr. S. C.
Muazzam Sahib Bahadur, Mr. Mubammad.
Mukherjee, Rai Bahadur S. C.
Neogy, Mr. K. C.
Pandian, Mr. B. Rajaram.
Patil, Rao Bahadur B. L.
Puri, Mr. B. R.
Raghubir Singh, Kunwar.
Rastogi, Mr. Badri Lal.
Sen, Mr. S. C.
Sen, Pandit Satyendra Nath.
Singh, Kumar Gupteshwar Prasad.
Singh, Mr. Gaya Prasad.

Suhrawardy, Sir Abdulla-al-Mamun.

NOES—23.

Ahmad Nawaz Khan, Major Nawab.
 Ahmed, Mr. K.
 Allah Baksh Khan Tiwana, Khan
 Bahadur Malik.
 Anklesaria, Mr. N. N.
 Dalal, Dr. R. D.
 DeSouza, Dr. F. X.
 Fazal Haq Piracha, Shaikh.
 Gour, Sir Hari Singh.
 Ibrahim Ali Khan, Lt. Nawab Muham-
 mad.
 Ismail Ali Khan, Kunwar Hajee.
 Jadhav, Mr. B. V.

Joshi, Mr. N. M.
 Lal Chand, Hony. Captain Rao Bahadur
 Chaudhri.
 Maswood Ahmad, Mr. M.
 Pandit, Rao Bahadur S. R.
 Rajah, Rao Bahadur M. C.
 Reddi, Mr. T. N. Ramakrishna.
 Sant Singh, Sardar.
 Sher Muhammad Khan Gakhar, Captain.
 Thampan, Mr. K. P.
 Wajihuddin, Khan Bahadur Haji.
 Yakub, Sir Muhammad.
 Ziauddin Ahmad, Dr.

The motion was adopted.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

(Sir Hari Singh Gour was called on to move the motion* standing in his name, but he was absent.)

THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, I beg to move :

“ That the Bill to amend the Child Marriage Restraint Act, 1929, be taken into consideration.”

I do so with some trepidation when I remember the remarks of my Honourable friend, Sir Hari Singh Gour, in connection with my attitude on the previous Bill that I was illogical, impervious to reason, reactionary, and all the other things that could be heaped upon my devoted head. But, Sir, in the legal profession there is a trick that if you have not a good case, abuse your adversary ; and Sir Hari Singh Gour, the veteran lawyer that he is, was, in the heat of the debate, unfortunately tempted to adopt the old trick ; but all this is part of the day's work and I, therefore, propose, Sir, to disregard them and, with your leave, to lay before the House a few observations in support of my motion that the Bill be taken into consideration. The original Bill which eventually became law was a direct attack on the tenets of the Shastras. I know it is the fashion now-a-days not to allow speakers to rely too much upon the Shastras or to expatiate on them and everybody in the House is said to be bored when one discussed the Shastras and the injunctions laid therein.

“ That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, be continued.”

but, Sir, so long as this House takes upon itself the privilege and the duty of framing laws relating to the Hindu community, you must refer to the Shastras, because they are the authority, they constitute the personal laws of the Hindu society, and if you want to make any changes in the rules and customs governing that society, you must go to the Shastras and show how far your position in trying to change them is against their tenets. I cannot, therefore, believe that any discussion on the Shastras, however long or wearisome it may appear, would be resented by this House and it would be a calumny to suggest any such thing. Before I proceed further, I shall, in a few words, dispose of a question which, in the early stages of the old Bill, was discussed at some length, namely, that the rule enjoining the marriage *Samskara* before puberty is not a shastric injunction, but a later interpolation in a book intended as a text-book for school boys. Sir, this is not so. As a matter of fact, Aswalayana, Yama, Apasthamba, Samavarttha, Daksha, Yagnyavalka, all these Rishis lay down that marriage must be before puberty :

*“ Ashta Varsha bhaved Gowri,
Nava Varsha tu Rohini ;
Dasa Varshad Bhaved Kanya,
Atha Urdhwam Rajaswala.”*

The Honourable Sir Brojendra Mitter (Law Member) : It is very difficult to follow the Honourable Member. Will he kindly speak up ? I cannot follow him.

Raja Bahadur G. Krishnamachariar : I beg your pardon. According to the Shastras, the authority for the position that you must have your girls married between the ages of eight and ten is as follows :—

*“ Ashta Varsha bhaved Gowri,
Nava Varsha tu Rohini ;
Dasa Varshad Bhaved Kanya,
Atha Urdhwam Rajaswala.”*

(*Sir Hari Singh Gour* : “ Shame.”) That is the text, that is the ground-work, that is the basis, that is the authority for the position that girls should be married before attaining puberty. My Honourable friend cries out “ Shame ”. Shame upon whom ? He is the champion of reform of the Hindu society, and that is the respect that he shows to the ancient law-givers of the Hindu society. I did not frame these rules. These Shastras were not framed by me. And he cries out “ Shame ” when they are cited. Shame upon whom ? Upon those people, upon those Rishis whose descendant he professes to be, and whose morals he holds out as a shining example to the world and of which he does not hesitate to take the fullest advantage when he visits foreign countries. A person ought to be ashamed to stand upon his legs in this House and cry out “ Shame ” on his own venerable ancestors and praise them at one time when it suits him—I say suits him deliberately—because in the Bill that has now been ordered by this House to be circulated what did he say ? He said, “ I am not making an innovation, I am only reviving a law which is 2,000 years old ”. The law made by whom ? The law made by those very people upon whose devoted heads he cries out “ Shame ”. You are a Hindu, you call yourself a Hindu.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order order. The Honourable Member must address the Chair.

Raja Bahadur G. Krishnamachariar : I beg your pardon. The fact of the matter is, when I say "you", I don't mean you. I have got to address the Chair in all my observations and I do not mean to be personal. That is the reason why "you" comes. You are out of it. My remarks are impersonal, and "you" is impersonal. Whenever I say "you", it does not mean you yourself.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : You must not address an Honourable Member as "you" and you must address the Chair.

Raja Bahadur G. Krishnamachariar : As against that, as I have been dragged into it, I shall make a present to my friend of what Lord Lansdowne, the Viceroy who was dealing with the Age of Consent Bill to which I shall have to refer in the course of my remarks, said about the Hindu religion :

"Neither here nor elsewhere shall I allow myself to say a word which might seem in the eyes of the Hindu subjects of Her Majesty disrespectful towards the faith which they profess. It is a faith of which some of the tenets are worthy of a place among the articles of the noblest and purest creed professed by the most civilised nations of the world."

That, Sir, is what a foreigner said, and my Honourable friend who has assumed the role of a modern Manu, as my friend, Mr. Jog, observed, starts by crying out "Shame". Shame upon his predecessors ! Interjections like that only deserve to be treated with the contempt they deserve. Coming back to my observations, the first point that I was respectfully submitting for the consideration of this House was that the original Bill, with whatever good intentions it may have been drafted—and you know the saying that the way to a certain place is paved with good intentions—was against the direct injunctions of the Shastras, and this Assembly, I respectfully submit, is not a place where this point could be fully debated though it must be discussed to some extent. I will, however, come to that later. If the original Bill is referred to, it is a peculiar fact that although a good many things had been stated as to the necessity of the Bill, and although very, very strong arguments were put forward by Diwan Bahadur Harbilas Sarda in asking that the Bill should be passed, there is absolutely no reference to the Hindu Shastras therein. Now it is an admitted fact that marriage among the Hindus is a most important religious function and yet there is absolutely no reference to the injunctions laid down in the Shastras regarding marriages and there is not a single reason assigned as to why the Shastras should be interfered with. On the contrary, the Bill was said to be introduced as a sociological necessity for the purpose of preventing early widowhood and also for improving the strength of the race which gradually gets degenerated and effeminate in consequence of these early marriages. (*Sir Hari Singh Gour* : "In consequence of the Shastric Laws.") No, not in consequence of the Shastric Laws. That is what I submit. Diwan Bahadur Harbilas Sarda would not say and did not say. He did not say anything about the Shastras at all for he knew he would be landing himself in a difficulty.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan. Rural) : There were many other Members who said so.

Raja Bahadur G. Krishnamachariar : Probably they did. I am not concerned with that. I do not believe, however, that any Honourable Member discussed the injunctions of the Shastras or justified a departure therefrom.

Now, Sir, this is what Manu says : Marriage in the case of girls is the same as *Upanayana* for the boys, and as it is the only sacrament which in their case is performed according to Vedic rites, it should be performed at the same age corresponding to the *Upanayana* for the males, which he lays down to be eight years from the time of conception or as some interpret it, from the time of birth. That, Sir, is my first objection and a serious objection to the old Bill which has become the law of the land. On that ground and on that ground alone I ask this House respectfully that that Act should be amended in the manner I have asked that it should be done.

Now, Sir, there is one important point in connection with this Shastric injunction which I had better dispose of immediately and that is that so far as the term 'marriage' is concerned, it does not mean marriage as understood in Western countries. It is only an irrevocable betrothal, which has got all the features of marriage except consummation. Consummation is a separate *Samskar* and could be performed only after the girl attains puberty. Under the Sarda Act, you cannot have a betrothal before puberty. It is said that the Act does not prohibit it. In Chidambaram, in the Madras Presidency, a Vakil of some standing quite recently performed the betrothal (marriage) in respect of one of his daughters who was, I believe, nine or eleven years old. He and six others were hauled up before the Court and, as a matter of compromise, the Court let go five and fined this Vakil Rs. 10 for having violated the law. That is the law as it stands. When I speak of marriage, I wish respectfully to ask this House to remember that it is only a betrothal as explained above that I am talking about and it is that betrothal which is enjoined before the girl attains her puberty and it is this betrothal that has been proscribed by the Sarda Act.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : May I ask whether the girl goes to the husband's house and stays there after the betrothal ?

Raja Bahadur G. Krishnamachariar : Only on festive occasions she goes and she stays for four or five days and then she goes back to her parents' home. She does not permanently stay in the husband's house until after the consummation.

Now, Sir, my next and most important objection against the provisions of the Act is that it is *ultra vires* this Legislature. I base it on two grounds, first with reference to the Parliamentary Statutes which govern this Legislature and next with reference to the sanction which ought to have been given before the original Bill as altered could have been passed.

Now, Sir, with reference to the Parliamentary Statutes, I think it does not require much elaborate argument on my part to show that this Legislature, not being a sovereign law-making body, has only got certain delegated powers and it cannot go beyond those delegated powers. Now, Sir, under section 84 of the Government of India Act....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Do I understand the Honourable Member to argue that this Legislature had no power to pass the Sarda Act, that it is *ultra vires* ?

Raja Bahadur G. Krishnamachariar : Yes.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I cannot see how this argument is relevant to the present issue. The Honourable Member is accepting the Act as it stands on the Statute-book and proposes to amend it. On that issue, I do not see how he can enter into elaborate arguments as to whether the Act is *ultra vires* or *intra vires*.

Raja Bahadur G. Krishnamachariar : If this House did a certain thing, which it had no power to do, it will be one of the grounds for asking this House to correct the mistake which it committed.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member has other remedies for that.

Raja Bahadur G. Krishnamachariar : I have. I don't say that I have not.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : If this House cannot enact it, how can it amend it ?

Raja Bahadur G. Krishnamachariar : It is open to this House to say ' I am convinced that I have made a mistake ' and surely the House can correct its mistake and say that it had no authority for what it did.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member is irrelevant in raising that issue. The position is quite clear. If the Honourable Member had brought forward a Bill for repealing the Act on the ground that this Legislature had no power to enact it, there might have been something to be said in favour of the view which he has put forward. Even then it would hardly be relevant to do so. If the Honourable Member accepts the Bill and wants to amend it, it is my ruling that the issue which he has raised is irrelevant, and out of order.

Raja Bahadur G. Krishnamachariar : I have got another Bill to repeal that Act.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : When the Honourable Member makes that motion, the issue that he has raised now would be considered.

Raja Bahadur G. Krishnamachariar : Very well, I now pass on to my other argument that the sanction of the Governor General has not been properly obtained, that is the previous sanction.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : If the object of that argument is that the Bill is *ultra vires*, then that also is out of order.

Raja Bahadur G. Krishnamachariar : My object in raising the question of sanction is to point out that one of the conditions precedent has not been satisfied and, therefore, the Bill has not been properly passed.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Still the Honourable Member wants to amend it ? The Honourable Member should proceed to discuss the merits of the motion as to why he wants to amend the Act in the direction embodied in his Bill.

Raja Bahadur G. Krishnamachariar : Very well, Sir. I shall proceed upon those lines. Well, when this Bill was first introduced—I am talking of the original Bill—the Honourable Sir Alexander Muddiman, the then Home Member, said that on behalf of the Government he would oppose every motion regarding the Bill except the one for circulation. Accordingly when the stage came for taking the Bill into consideration, the Honourable the then Home Member (Mr. J. Crerar as he then was) moved for circulating the Bill for eliciting public opinion thereon. At that time certain important statements were made by the Honourable the Home Member which I think ought to be laid before the House. The Honourable Member stated that the Government of India had great responsibilities in this matter. He said :

“ I entirely agree that one of the responsibilities is a very heavy one, namely, where the Government of India has to ensure that where measures undoubtedly impinge very deeply upon the religious ideas and the social customs of very considerable sections of the population, all legitimate interests and all legitimate opinion should be carefully, fully and fairly ascertained. Another part of the responsibility which rests upon the Government of India is to see that such measures are conducive to the end in view.”

One of the fundamental principles of social reform legislation enunciated since 1910—and it was only the other day re-affirmed by the present Law Member—is that unless there is an over-whelming demand for such legislation, no Government will be entitled to launch upon any such measure. I believe Dr. DeSouza, when he was referring to another Bill of my friend, Sir Hari Singh Gour, referred to another and similar statement on behalf of Government. So far as the Law Member is concerned, he too in a way endorsed the position in connection with the other Bill by saying that he would like to know exactly how the country as a whole viewed this legislation. Now, with reference to this legislation, when the Honourable Mr. Crerar (as he then was) moved that the Bill be circulated for eliciting public opinion, it was not agreed to, but was referred to a Select Committee ; so that up till now you do not know exactly what the real public opinion is upon this matter, what are the legitimate sections of public opinion which are affected by this Bill, and which it was the duty of the Government to find out. Then the matter went before the Select Committee, and there an extraordinary thing happened. Originally the Bill was of a civil nature, and it was named the Hindu Marriage Bill. Sir, in that Bill there were conscience clauses—clauses 5 and 6 of the said Bill. But when this Bill went before the Select Committee, they made it a penal enactment and they fixed the minimum age at 14 instead of the modest level of 12 that even Mr. Sarda was willing to go up to, and for what reason ? The original object of the Bill was to prevent child widows among Hindus, but the age was raised by way of a price to take in the Muhammadan community also. If you refer to the proceedings of the Assembly, you will find it stated when the Bill was recommended to a Select Committee :

“ As for the girl, Muslim opinions—as the Bill now applies to Muslims also—in the Select Committee were dead against any age below 14. Consequently the age was fixed at fourteen.”

Now what was the result ? They began by reforming the Hindu society and then said, “ Well, we will fix the age at 12 years and there is no objection to even 11 years provided this conscience clause is satisfied, and we want it for the avoidance of early widows ”. But when it went up before the Select Committee, they made the age 14—not because the Hindu community wanted it, but by a peculiar mentality they wanted to take in the Mussalmans as well. The Mussalmans were otherwise exceptionally strong in their position and their opposition is always dreaded. There was

[Raja Bahadur G. Krishnamachariar.]

no other way of taking them in except by adopting the age of fourteen which they wanted. They said, " All right ". Well, Sir, this is the way in which this reform has been introduced. That is the reform which if we do not accept, we are supposed to be illogical, and not fit for self-government or probably even for existence in the world as a civilised community.

Sir, as stated above, one of the important reasons why I object to this Act and want it amended is that the age of 14 was fixed without reference to the Hindu community and attempted to be enforced by penal provisions without reference to the Shastras and without reference to the majority of the opinions that were submitted to the Select Committee and to the Legislature. That, I say, is absolutely unreasonable and undesirable, not to use stronger words. In this connection there is an important consideration—I hope I am not out of order in referring to it. My Honourable friend, the Leader of the House, said in his own felicitous language on an important occasion :

" Feeling as I do that Social Reform is essentially a growth from within, and not of compulsion from without, I am against penal legislation in social matters, and if, and as soon as, opportunity arises, I shall make, and co-operate in, attempts to exempt from the provisions of such legislation as the Sarda Act, those Communities and individuals who feel as a matter of conviction that the provisions run counter to their religious faiths and duties. I also hold that in matters affecting particularly the organised and established social life, or the personal law, of any distinctive community, legislation by composite legislatures is wrong, and I shall not countenance or support such Legislation....."

That, Sir, is what my friend, the Honourable the Leader of the House, has enunciated as the principle on which he would act and Providence has now put him in the position from where he could redeem his promise to secure non-interference by the legislature in matters concerning the religious rites and usages of any community. I now respectfully ask him to lead his followers on the other side along that golden path. More especially because so far as this legislation is concerned, it is a compulsory social reform and it is doubly obnoxious owing to the fact that its provisions are imposed by the application of the criminal law, for which there is absolutely no parallel in the history of any civilised country in the world. That, Sir, is another reason why I say that this Bill should be amended. Sir, it is stated that the custom of child marriage is so wicked that it should not be allowed to continue. Now, Sir, of all the communities in India, it is the Brahmin community which is the worst sinner in regard to this matter. That community has persisted these 5,000 years in all its vigour, physically, mentally and morally, notwithstanding this pernicious and degenerate custom and would probably exist another 5,000 years. Unfortunately, however, the community is a *bete noire* of some other sister communities. Well, the easiest way to allow the community to die out is to allow it to continue the custom and thus get wiped out, in terms of the proverb, *Gur se jo mare to zihar kun de*.

I maintain, Sir, that the laws of the ancient Rishis must be respected and cannot be amended except as laid down by them, and this Assembly, I respectfully submit, is not competent to amend the laws laid down by the Shastras, as indeed has been admitted by the Honourable the Leader of the House. Now the way in which the old law-givers have permitted amendment of their laws is that at the beginning of every *Yuga*, all the Rishis collected together and found out what provisions were appropriate

and should be applied for the coming *Yuga*. Then they retain only those provisions of the law which, in their opinion, was appropriate to the particular *Yuga* and this they did notwithstanding the fact that there were other laws binding on the same community in other *Yugas* and *Kalpas*. In this connection, I desire to bring to the notice of the House an important matter. When the Age of Consent Committee was sitting, a Mahamahopadhyaya, Professor of Sanskrit in Benares, said that just as the old Rishis claimed to enact what should be the law of the next age, similarly the modern legislator has got the right to amend the Shastric laws to suit modern conditions. That is what he gave to the Age of Consent Committee as his opinion, and naturally that Committee made a great deal of capital of it. When the matter was brought to my notice, I wrote to this gentleman and respectfully asked him to say where he got the authority from for the position that he had taken before the Age of Consent Committee that even under modern conditions these Shastras could be amended by the present legislatures. Now, what was his reply? He quoted the same passage of the Shastras which lays down that Rishis should gather together and lay down what shall be the law for the next *Yuga*. Upon this, I pointed out to him that he or the modern legislators were not Rishis and that five thousand years ago the *Kali Yuga* had started and as the next *Yuga* is not in sight, the conditions laid down in the passage cited by him are not fulfilled. I, therefore, asked him to point out if there was any provision which he could show as an authority for the statement made by him before the Age of Consent Committee that the present legislatures could amend the Shastras. I wrote that letter two years ago, and the reply is still coming although I have reminded him nearly half a dozen times. That only goes to show that the position taken up by the Mahamahopadhyaya was untenable and that no profane hand can touch the rule laid down by the Rishis for the benefit of the society. The reason is that we consider rightly or wrongly and we may be quite foolish in so considering that the disposition of the Hindu society is based upon revelation and where there is that faith, they cannot lay their hand upon injunctions so laid down for the conduct of that society. It is not open to amend them everytime somebody thinks that a rule of conduct was not right, or as has been said in connection with another Bill, that the conscience of the Mover of a Bill would not allow the circumstances that exist in the Hindu society to continue and, therefore, the law should be altered. Now, Sir, so far as the Assembly is concerned, I have got the authority of the Age of Consent Committee itself and the Honourable the Leader of the House to say that this was not the proper place where questions regarding the marriage and those affecting the religious rites and usages should be rightly discussed. They said that in olden days there used to be panchayats and people used to go to them. Now, as those panchayats no longer existed, they held that they could only have recourse to the Indian Legislature for enacting law. I submit that this is not the point of view that we take nor is it the correct one to take. The Assembly is composed of representatives of various communities, castes and creeds brought together for a secular purpose. It is not right that this Legislature should address itself to reforming or changing the laws of the community which believe that they have been brought into existence upon the basis of revelation. We believe that the Legislature has no right to interfere especially when those who profess to legislate on social matters have not got the slightest regard or respect for the persons who framed these laws or for those laws. After the Act has been passed, it is an admitted fact that it created a great deal of commotion and, in

[Raja Bahadur G. Krishnamachariar.]

answer to a representation from the head of the Ahmadiyya community, His Excellency the Viceroy said that :

“ He read with special interest your observations regarding the Sarda Act. He recognises that these views, put forward by the head of religious community, demand careful consideration. The Government of India have recently consulted the local Governments regarding certain private Bills which have been drafted or introduced by Members of the Central Legislature. The position will be carefully examined on receipt of those replies.”

I wrote to the Honourable the Home Member two or three letters to find out what opinions were received and how Government dealt with those opinions in accordance with the promise made by His Excellency the Viceroy. So far, I have not been favoured with any reply, and I do not even know if any replies were received from all the Local Governments at all or whether they were dealt with in the manner which has been promised in reply to the representation of the head of the Ahmadiyya community. If we knew what the Local Governments said about the Act, we should have been greatly helped. The point I wish to make is this, that so far as this particular Act is concerned, Government themselves felt that they should reconsider the position. What they did after the promise of the Viceroy, I do not know. We have not been given any information regarding the same. I respectfully ask that the same must be supplied to this House just now. As regards the provisions of the Bill concerned, this is what is stated there :

“ Nothing contained in the Child Marriage Restraint Act, 1929, shall be deemed to apply to a marital sacrament or a marriage, solemnised or performed in accordance with the religion, or the religious practice or usage among Brahmins, Vaishyas, Sourashtras and other communities among whom post-puberty marriages are forbidden by their religious usage or custom or both.”

At that time it was in contemplation that the Muhammadan community would introduce a Bill of their own. I have no objection if an amendment is proposed so as to include the Muhammadan community also, so that there would be no waste of time in discussing two Bills. We shall all be sailing in the same boat and we shall sink or swim together according as this House decrees. That, Sir, is in consequence of the ruling which you gave.

Another matter which I would respectfully urge is this. A conscience clause may be introduced as an alternative, so that we could get an order from the court on lines laid down in the original Bill. This is all that I have to submit so far as this Bill is concerned.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Motion moved :

“ That the Bill to amend the Child Marriage Restraint Act, 1929, be taken into consideration.”

Sir Hari Singh Gour : If I rise at this early stage, it is because I feel that this debate must come to a speedy termination if we are to deal with the question of which my Honourable friend, Mr. Das, has already given notice to this House. My Honourable friend who has sponsored this amending Bill gave certain reasons which were all considered on the floor of this House when the Bill became law. It is true that my Honourable friend was not a Member of this House, but gentlemen of his way of

thinking have always adorned some of the opposition benches, and whatever may be the measure that comes up before this House and savours of social reform there were always the stalwarts of orthodoxy in our midst to stand between ourselves and the proposed legislation. Fortunately their number is diminishing and as my Honourable friend has said he is himself conscious of leading a forlorn hope because as days advance and the light of the dawn expands from the mountain tops to the valleys, those who have been living in the vale of reaction and conservatism will be driven out of their darkness into light, and either they will die out or get attuned to the effulgence of the new light and a more glorious dawn which I see for my country. I do not propose to detain this House by going into the various arguments that have been advanced by my esteemed and Honourable friend on the ground of jurisdiction of the Legislative Assembly, because if it was once open to cavil or doubt, we shall have not only to repeal the present measure but perhaps a hundred other measures that have been passed by this House and by its predecessors commencing from the date when the legislative expression of governmental opinion obtained the order of the day. What will become of the super-session of the whole of our penal law enshrined in the Shastras replaced by the Indian Penal Code? What will become of the Hindu Widow Remarriage Act, what will become of a hundred and odd measures against infanticide, against *Sati* and against other social mal-practices which have been driven out of existence owing to the intervention of this legislature? I will take my stand upon the plain and unambiguous language of the Parliamentary Act that the Indian legislature is competent to legislate for all persons and all places. And I should be failing in my duty to this House if I should for one moment cast a doubt upon the plenary powers of legislation of this House. It is an ungracious argument of my Honourable friend who adorns a bench of the Central Legislature to pelt stones against a body the expansion of which we are all looking forward to and which in the fullness of time will be armed and clothed with greater powers and larger responsibilities.

My friend's argument that it is laid down in the Shastras that the marriage must be performed when the girl attains the age of eight years is a pathetic argument, too late in the day for any sensible man to adopt. I have not been in favour of the Sarda Act myself for the simple reason that I have always been convinced, and I said so in the Select Committee, that the Sarda Act did not go far enough. The argument that I used then is an argument which will bear repetition. Under the Indian law of majority, neither a boy nor a girl is competent to make any contract until he or she has completed the age of 18 years. If a girl is incompetent to make even a trifling gift of her chattels, she is certainly not competent to give away her most inestimable and invaluable privilege which she can give only once and for all, before she has attained that age of discretion. Common sense and logic, therefore, would both combine in support of the view that no marriage should be considered legal unless it is performed by persons who have completed the age of 18 years. But I supported the Sarda Act in the hope that with the growth of enlightenment amongst our people they will be ready to go to the length of legislating for what I consider to be the minimum age of marriage, namely, the attainment of the age of majority. I submit, Sir, there is nothing *ultra vires* in this legislature and if my

[Sir Hari Singh Gour.]

friend had given me more time I would have given instances to show to my Hindu friends adorning these benches that in earlier times, in the Vedic and post-Vedic age, adult marriages were the rule, and it is only in the decadence of Hindu society that such adult marriages became first customary and afterwards became more or less the rule with the higher classes.

I submit, Sir, that my friend's amendment to this Act which was passed in 1929 must be thrown out on the broad ground that it is barred by *res judicata*. This House must respect itself. Rightly or wrongly you have passed this measure; you have considered the pros and cons of all arguments that were advanced in favour of the measure. We will be stultifying ourselves if every year or every two years we were to tear open by their roots the very basic principles which we have enshrined and imbedded in the enactment which we have passed. There must be something like sanctity attaching to measures, measures of social reform and measures of vast utilitarian interests which are sanctioned by this Legislature and which this Legislature must not lightly tread upon at the instance of a private Member unless there is clear, cogent and consistent evidence that there has been a serious mistake in its enactment. It is, I therefore submit, a case in which Government should solidly oppose not only this amendment but any matter intended to whittle down the effect of the Child Marriage Restraint Act. And I hope my Honourable friends on this side of the House, whether they agree with me on the merits or not, will, on the broad ground that this measure was passed only two years ago and it is too early now to pronounce judgment upon it, support the rejection of my Honourable friend's amendment.

Mr. Lalchand Navalrai : Sir, I have great respect for the Raja Bahadur's age, his personality and the able way in which he puts the Shastras before the House. But I am greatly surprised that at least in the 20th century he should come forward and advocate that girls should be married at the age of eight and ten. I think he has brought this motion on account of the fact that he was not present in the House when the Sarda Bill was enacted. A great amount of heat was generated in the House when that Bill was before it and it was opposed by the orthodox people. Every one who was present then can say that no new case has been made out now by my Honourable friend for the consideration of this House. His predecessor, I say predecessor because he pressed the same point,—Mr. M. K. Acharya,—who was very enthusiastic about the Shastras, came with loads of Shastras and took several days to enlighten the House about the shastric injunctions. Therefore it is wrong to say that the Shastras were not then quoted or were unknown to the House at that time. The Shastras and the usages and other things were all fully elaborated before the House. Therefore to say that they were not considered and should be considered now is quite wrong and that point is not well-founded.

Then, Sir, the second point that my friend urged was that he is asking only for the betrothal which should be allowed, but that again is not a new point. At the time the Sarda Bill was being enacted there was a question of what marriage is and that point was fully considered

Betrothal in some places is only a contract, but in Madras among the Brahmins whose cause my friend is advocating betrothal means marriage itself. All the marriage ceremonies are performed. The only difference is that the bride remains with her parents or in other related families until such time as the marriage is consummated.

It cannot, therefore, be said that no marriage has taken place in cases of such betrothals and that she can avoid it. The Honourable Member cannot say that she has by this betrothal not yet become a wife. Therefore to say that he is asking for release of anything which is less than marriage is not right. Similar point was unsuccessfully raised then by the Muhammadan community also, *viz.*, whether performing *nika* alone is marriage or not; and they wanted that the *nika* may not be penalized and only consummation should be disallowed. In a like manner, after the *nika* is performed, girls do remain in the houses of their parents also. Among the Brahmins in Madras the bride remains in the house of her parents temporarily until such time as the bridegroom takes her to his own house for consummation of marriage. Therefore that point is not a good point at all.

Then he said that the Hindu community was not consulted. I am surprised to hear that. This Sarda Bill was hanging fire for a long time. The Bill first went out for circulation; public opinion was obtained and it was then considered that further opinions should be called for, so when it emerged from the Select Committee it was sent out for circulation a second time. Therefore to say that the opinion of the Hindus was not obtained and that the Bill was passed without mature consideration is absolutely wrong.

He then said, if I understood him aright, that there was no law in other countries restricting the age of marriage—no penal provisions at least. I read very recently of a case where a marriage had taken place in England and the parties were run in. It cannot therefore be said that there is no such penal law elsewhere.

I submit that in my humble opinion every conceivable point that could be brought forward was urged, pressed and considered fully, and we will be only stultifying ourselves if we interfere with this law which has been passed after mature and full consideration. It is not as if the Sarda Act was passed by the vote of one community or the other. The Sarda Act was enacted with the vote of the whole House; the Government was in its favour; the Muhammadans or a majority of them were in favour. (*Voices of "No, no."*) Please refer to old minutes. Majority of the Hindus excepting a few on this side, just like my Honourable friend, were all in favour. So I submit that no case has been made out for any change in the law. I oppose the motion.

Pandit Satyendra Nath Sen (Presidency Division : Non-Muhammadan Rural) : Sir, I rise to support the Bill brought forward by my esteemed friend, Raja Bahadur Krishnamachariar. The Sarda Act has given rise to a widespread discontent in the country. It was passed in the teeth of opposition both from the Hindus and the Muhammadans. It was sponsored by one who, I am sorry he is not present in his seat today, could hardly be called a Hindu because of his close association with the Arya Samajists. I am constrained to say he is innocent of the Hindu Shastras

[Pandit Satyendra Nath Sen.]

and even of Sanskrit literature as I shall prove presently. While speaking on the original Bill, Mr. Sarda said :

“ No Shastras ancient or modern enjoin that girls should be married before attaining puberty.”

This is against the unanimous verdict of the Hindu Shastras. The Shastras unanimously enjoin that a girl must be given in marriage *before* she attains puberty. Before I discuss that point I would like to make a few remarks on the process by which these things are enacted in this House. It was a very great blunder to bring forward such a Bill before a House which is composed of Members professing different creeds. The question affects only one or two of them and the others are asked to pronounce their verdict on the same. These things cannot be determined by voting. There are permanent truths, *e.g.*, the existence of God, which cannot be determined by voting. It is a well-known fact and it will interest the Members of this House to know that the late Mr. Akhoy Kumar Datta of Bengal, in the heyday of his scientific career, once wanted to determine the existence of God by voting, and he failed naturally. I am informed that the proposition of the existence of God was lost by some ten or twelve votes. So I say this was the initial blunder.

The next point is that this Bill was sponsored by a person who was not conversant with the Sanskrit Shastras and was supported by persons who were no better judges than the author of the Bill himself. I have gone through the past debates, etc., on this Bill and I came across certain remarks made by various speakers which cannot be supported by facts and figures. Mrs. Brijlal Nehru in one place says :

“ My heart aches at the thought of the sufferings of the girl wife. Our whole report is a plea on behalf of these victims of blind custom and usage.”

Sir, I think this is far from the truth. I do not wish to enter into the labyrinth of statistics which are often made to order and are often manipulated according to one's will and convenience. I would like to read a few lines published by one of the foremost physicians of Calcutta, commanding an extensive practice—Dr. Nalini Ranjan Sen Gupta, M.D.—who says :

“ How undeserved are the aspersions on the social customs of the people, and the poor defenceless *dai*, is brought out into bold and unmistakable relief, by the fact that infant mortality and maternal death-rate is far less in the rural area, the real stronghold of decrepit social customs and of the infamous village *dai* and is about double in urban areas, where the inroads of modern civilization have materially loosened the bonds of society and have replaced to a great extent the untrained *dai* by trained nurses. Figures from the Madras investigation show that about 33 per cent. of cases (all in urban areas) are attended by trained nurses or doctors throughout, and of the remainder many are treated at the later stages by trained nurses, yet in every instance we find that the infantile mortality in urban areas is almost double that in rural areas.”

This is not the only thing that is written on the subject. The Age of Consent Committee have collected statistics which go in their favour. They collected the figures from English educated people. Another prominent physician of Calcutta—Dr. S. K. Sen Gupta—has brought out another publication and he collected his statistics from the orthodox Vaidic families. This is what he says :

“ There is invariably prepubertal marriage among them. The histories of all confinements of every woman of each of these families are given according to the age of first confinement. It is a most instructive table ; none of the mothers died at first or subsequent pregnancies or confinements, and no medical aid was necessary. Let us lump the figures as Dr. Adiseshan has done. Take all mothers below 15 years, the

were 59 in number and the mortality of infants during 1st year of life (no neo-infantile mortality) in first confinements was 10, i.e., 170 per thousand. The neo-infantile mortality being always much less than 1st year infant mortality must then be much less than 170 and there was no maternal mortality. Those who become first mothers at higher age, i.e., from 16 to 21 years, were 54 in number and the infantile mortality during 1st year of life was 12, i.e., 222 per thousand. Therefore one cannot say that mothers of 15th and 14th year were worse than mothers of higher age. If all the subsequent confinements are taken they also will tell the same tale."

Then, in another paragraph he says :

"Table 16 (page 327) shows neo-natal infantile mortality as 108.70 for all mothers ; excluding mothers under 15, it works out at 107.58."

The reference is to the Agent of Consent Committee's Report.

Now, Sir, there are other things also. If early marriage were responsible for infantile and maternal mortality, then those mortalities in Bihar would have been much higher than those prevalent in Burma where late marriage is the custom ; but everybody knows that the infantile mortality in Burma is much higher than that prevailing in Bihar.

Sir, I would like to read out a few more lines on the same subject because this is a very controversial point. This is a letter written by Dr. V. B. Green-Armitage, M.R.C.S. (Eng.), L. R. C. P. (London), M.B., C.H.B. (Bristol), M.D. (Bristol), M.R.C.P. (London), Lieutenant-Colonel, I. M. S., Professor of Midwifery, Medical College, Calcutta, on the Age of Consent Bill. He is the greatest obstetrician in India and one of the greatest in the world, and this letter was published in the Indian Medical Gazette, November 1929. He says :

"Puberty.....denotes the physiological co-ordination of the Ovaries with other endocrine bodies, and therefore there is little doubt that from a natural point of view conception was intended to occur after its appearance, and should there be no great disparity in age between the contracting parties, there is little doubt that the process of nature can be fulfilled 'without disaster'. The argument that difficult labour must occur as a result of early motherhood cannot be supported, for clinical experience has convinced us that if a *primi para* (a case of first pregnancy) be of normal physical development, the process of labour is *not* accomplished with difficulty.

The Age of Consent Bill speaks of 'the travails of maternity, and the high maternal and infantile mortality as the result of premature co-habitation'; but it should be borne in mind that such travail and such mortality are just as likely to remain high after the passing of the Bill as before it, for it would seem to be forgotten that 'travails' have *per se* nothing whatever to do with the age of marriage, but are due to such preventible causes as Eclampsia and Sepsis.

* * * * *

As regards infantile mortality which the Bill attributes to early marriage, we must not confound cause with effect, for the appallingly high percentage of infant deaths in India cannot be attributed to this cause. Dr. Ubhaya, Director of Public Health, Madras, has shown that only 0.59 per cent. of first confinements occur under the age of 15, and that 24.7 and 31.2 per cent., respectively, occur between the ages of 15 and 24. These findings conclusively refute the argument of Sir Hari Singh Gour and, if we may say so, point the legal maxim that 'hard cases make bad laws', for the infantile mortality is due partly to avitaminosis during the ante and post-natal periods, and partly to ignorance of the elementary laws of Hygiene."

This has been confirmed by utterances made by Dr. Bentley, Director of Public Health, Calcutta, who says that death-rate among children under 15 in Bengal is chiefly due to want of nourishing diet. Colonel MacTaggart also mentions the same thing when he says that the only

[Pandit Satyendra Nath Sen.]

potent cause which really accounts for the heavy mortality is the want of nourishing diet.

Now, I come to a remark made by Lieut.-Colonel Gidney, now Sir Henry Gidney. This is what he says :

“ Sir, I go further and say that the total number of Caesarian operations done in Delhi is, I believe, more than the total number of such operations done in the whole of the hospitals in the United Kingdom put together.”

This may be his belief. However, its application to rural areas has been given a lie to by the pronouncements of eminent doctors who say that the number of Caesarian operations is not so abundant in the rural areas as in the urban areas. Sir Henry Gidney referred to the decision of the All-India Medical Congress held in Calcutta. As to that, Dr. S. K. Sen Gupta in his pamphlet supplies this piece of information. Let the *Medical Review of Reviews* narrate what happened at that time :

“ Not to be outdone, the medical men assembled in the All-India Medical Conference, 1928, who by the bye, had remained perfectly unconcerned so long, though they, of all people, were expected to realise the good and bad implications of the Bills to their full extent, suddenly woke up to a sense of their duty and responsibility and passed a resolution in hot haste, warmly supporting the Bills at the fag end of the session in a thin house, consisting almost exclusively of the ardent reforming spirits and at a time when the majority of the members had already left the meeting to attend a pre-arranged lecture in another place in the town (Bose Institute). ”

In the Conference, not an article was read on the subject, neither have the gentlemen who supported the above since then cared to publish any scientific paper on the subject, although in the Conference they were repeatedly requested to do so, and later on reminders were sent to them.”

In going through the past debates, we have seen the mentality of our leaders including the late lamented Pandit Motilal Nehru, and Mr. Jayakar. Mr. Jayakar and the late Pandit Motilal have some sympathy for the young delinquent but they have not got any sympathy for those who want to abide peacefully by conforming to their own religious injunctions.

I now come to the shastric point of view. The true shastric view is this—not as was put by Diwan Bahadur Harbilas Sarda that no Shastras, modern or ancient, enjoin that the girl should be given in marriage before puberty,—but the Shastras are clear, and if I may be allowed to quote them, I shall quote first of all Manu, the principal law-giver of the Hindus. He says in Chapter IX.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I hope the Honourable Member will bear in mind that he is speaking on an amending Bill and not on a repealing Bill.

Pandit Satyendra Nath Sen : Sir, this is what Manu says :

“ Trimsadvarshodvahet Kanyām hridyam dvādasa-varshi kim

Tryashta-varshoshta-varshām vā dharme sidati satavarah.”

It means that a girl should be given in marriage between the ages of 8 and 12, and the age of the bridegroom should be between 24 and 30. If the

daughter is not given in marriage before puberty, what will she do ? This is the injunction as regards that point :

“Trini varshānyudiksheta Kumāryritumati Sati

Urdhham tu kālādelasmād vindeta sadrisam patim.”

She should wait for not more than three years. After that period she should choose a husband herself. Emphasis should be put on the word “Udiksheta”—she should look up, expectant for a husband ; that is to say, the marriage is already overdue—not as was put by some Members that the marriage should take place *after* three years of puberty. The point is that the marriage is already overdue and she should then choose a husband *herself*. There are other Shastras also which corroborate this. I am not going to quote them in full, but I shall only refer to their names because there was an appalling statement made by the sponsor of the old Bill that no Shastras supported the present orthodox view. We have Manu, supported by Vishnu, Yājnyavalkya, Yama,—slokas—shall I quote them ? (*Some Honourable Members* : “Yes. Go on.”) As Honourable Members like me to quote the Shastras in full, and I have got the references with me, I shall quote the texts. Vishnu says :

“Pitri-vesmani yā kanyā rajah pasyatyasamskritā

Sā kanyā vrishti jneyā—.”

That is to say, the marriage must be performed before puberty, it must not be delayed. If the marriage is delayed, the *kanyā* is considered to be a ‘vrishali’, which means, *Sudrā*. Yājnyavalkya, an equally authoritative name, says in Chapter I, Sloka 64 :

“Aprayachchhan samāpnoti bhrūna-hatyām ritāvrītau

Gamyam tuābhāve dātrinām kanyā kuryāt swayamvaram.”

If the father does not marry his girl before puberty, he is guilty of infanticide, and in that case the girl should choose a husband herself. Yama, Sloka 22 :

“Prāpte dvādasame varshe yah kanyām na prayachchhati

Māsi māsi rajastasyāh pitā pibati sonitam.”

(Laughter.) That is the Shastric injunction. You cannot laugh at it. (*An Honourable Member* : “Give the translation please.”) I am refuting what Diwan Bahadur Harbilas Sarda says. My Honourable friend Mr. Lalehand Navalrai said that the Shastric injunctions were quoted, on previous occasions, and I am here to prove that the Shastric view was not fully represented. The meaning of that Sloka is this. A father who does not give away in marriage his girl before she attains the age of 12, that is, the age of puberty, drinks her menstrual blood....

(It being Four of the Clock.)

Mr. President . (The Honourable Sir Ibrahim Rahimtoola) : Order, order. Adjournment Motion.

MOTION FOR ADJOURNMENT.

TERMS OF REFERENCE TO THE ADVISORY CAPITATION TRIBUNAL.

Mr. B. Das (Orissa Division : Non-Muhammadan) : I beg to move
4 P.M. that this House do now adjourn. In discussing this
motion of censure, it may appear while I develop
my points that at times I have to praise and appreciate the work of the
Government of India. I have to do it, so that the House and the public
may know that the Government of India are peculiarly situated in the
matter of the defence problems of India. About the beginning of
August, the Indian press quoted from the British press the terms of
reference of this tribunal which were published with the headlines
"Capitation charges, India's defence expenditure, Terms of reference
to the tribunal". Up to that time no official communique was issued.
Recently four or five days ago the British Official Wireless communique
was issued containing the terms of reference of a tribunal which
happens to be an advisory tribunal. Most of the Indian press have mis-
read the contents of the terms of reference of that tribunal. I must
say that the *Hindu* and the *Bombay Chronicle* are noble exceptions and
they have read the real meaning of these terms of reference. The terms of
reference run as follows : His Majesty's Government in the United King-
dom in agreement with the Government of India have decided to set up a
tribunal and there are 5 paras. below. Para. (a) refers to the capita-
tion question which is to be referred to the tribunal. Sir, I whole-
heartedly approve of that reference, because as a Member of this
House and as a member of the Public Accounts Committee we have
pressed on the Government to get speedy decision on this question
of capitation charges. It is a contentious question. India has to pay
capitation charges for British soldiers that come now and then to India
to serve here for a temporary period of seven years or more. The
Government of India are at one with us and they have all along pressed
on the War Office that India should not pay these capitation charges.
I welcome that reference. Para. (b) says "to examine India's claim
that contribution should be made from the Imperial revenues towards
the military expenditure". This is the most contentious question that
has been pressed by us on the floor of this House and by those gentle-
men who represented India at the Round Table Conference to get the
constitution settled. I find that in the first Round Table Conference
a defence committee was appointed. Of the gentlemen who graced that
committee, I find only two gentlemen present here—my Honourable
friend Mr. Jadhav and my friend Captain Sher Muhammad Khan and
they recommended this : "The Committee also recognise the great
importance attached by Indian thought to the reduction of the number
of British troops in India to the lowest possible figure and consider that
the question should form the subject of early expert investigation." Those
who went to the second Round Table Conference had no time to go
into this big question because they were too busy with little problems
like the minority demands and they forgot that unless India's defence
cost is reduced, the so-called provincial autonomy or autonomy at the
centre would be a farce and unless the major portion of it is borne by
England, the so-called swaraj will be a myth. At this point I must
say that when there was no legislature or there were only a few mem-
bers in the old Imperial Legislative Council, of which you, Sir, were

a great ornament, you did your very best to reduce India's cost of defence. The Government then, autocratic as they were, insisted that Britain should bear the Imperial defence cost and that India's cost of defence should be reduced. The Simon Commission referred to it and the Government of India wrote in their admirable despatch—I would not say admirable in every respect—that England should bear part of India's defence and that it should be settled by a committee. They said “that it will be for His Majesty's Government to consider whether the Commission's argument in favour of a subsidy from Imperial revenues should be accepted and whether the Government of India can establish a claim for this contribution, determined by the factors to which the Commission have referred”. Now, what do we find? This thing has been treated as a small side issue. If we read the last paragraph of this communique we find that this tribunal is nothing but an *advisory* body. It is further said that the proceedings of the tribunal will be confidential and its report which is to be made to the Prime Minister will be advisory. Its recommendations will therefore not be binding on either Government. Now, I ask, why this farce? If the tribunal is going to discuss this question of capitation charges alone, I will not have taken the time of this House and brought forward this motion of adjournment, but as it is going to discuss the whole constitutional problem of the Army I was forced to bring it before the House. I find that in my views I have the support of the Editor of the *Hindu*, a worthy former member of this House, Mr. A. Rangaswami Iyengar who has written an able editorial on the military charges tribunal. I would draw the attention of my Honourable friend Mr. Tottenham to the *Bombay Chronicle* and the *Hindu*. These are the two papers which have understood the defence problem of India. Everybody has succumbed to the headline as appearing in the British papers. Sir, the *Hindu* appreciates the whole situation, and the *Hindu* knows that the so-called advisory tribunal is going to discuss the whole defence problem of India :

“It is obvious that the question of the nature and extent of the contribution of the British Treasury towards Imperial or Indian military expenditure in India is very largely inter-connected with the nature of the future constitution of the Indian Government, its political, constitutional and financial status as an equal member with other Dominions and its relations on that basis with Great Britain.”

Sir, those of us who have read the Simon Commission's Report, Volume I, know how that Commission analysed the Imperial defence burdens of the Dominions and of India. I would refer the House to page 93, Volume I. It says :

“India spends £41 millions (at the then rate of exchange ; the Honourable the Finance Member will correct me if the figures are wrong). Australia spends £4.73 millions, Canada spends £2.75 millions, the Irish Free State £2.26 millions, New Zealand £.96 million, South Africa £.8 million.”

Sir, that is all the net defence expenditure of the mighty Dominions who invite India to Ottawa and settle India's fate, and yet India is saddled with an expenditure of £41 millions as it then was—it may be 36 or 37 millions now ! And the Percy Federal Finance Committee says that 47 crores of rupees should be the military expenditure of India *minus* the military expenditure of Burma. Sir, if the cost of defence is not reduced, if India does not bear an equitable share and no more of the cost of Imperial defence, then the so-called constitution, the so-called *swaraj*, would be meaningless. Sir, it is beyond the scope of

[Mr. B. Das.]

this tribunal to look into this aspect of the question because, when you are going to talk of Imperial defence, then every Dominion should be represented. It should be a Dominion expert committee to see how the Imperial defence burden should be properly allocated and India should only bear her proper share and no more of Imperial defence. Sir, as my time is very short, I wish to express the view of "Indian India" in two sentences by quoting the *Hindu* once again :

"The extent, therefore, to which official as well as non-official advice, legal and financial as well as technical outside the circle of departmental experts could be availed of for this purpose requires, in our view, to be seriously considered by the Government of India in this connection."

Sir, the Honourable Sir George Schuster assured this House two years ago that if the Capitation Tribunal comes about, then non-official advisers would be there to advise the advocates who defend the Government of India case before the tribunal. Sir, I shall conclude by quoting once again the *Hindu* :

"We may be sure that all these aspects will come up for discussion before the Tribunal in some form or other, and we therefore think it necessary that the Government of India should take the Legislature and the public into their confidence and seek their co-operation in every way in seeing that justice is done to India in the present as well as in the future."

And I ask the Leader of the House, who is an ex-member of the Round Table Conference and a politician of great repute, to see that India's cost of Imperial defence is reduced to a minimum so that we have real autonomy in every province and in the centre. (Applause.)

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Mr. President, we are grateful to Mr. Das for bringing up this important motion before this House. I do not think Mr. Das had any idea to bring in a motion for censure, but he had no other alternative in order to draw the attention of the House to this important question and so he had to take recourse to this step. As a matter of fact officials and non-officials are all agreed on this question of capitation charges, but the hole and corner way in which the terms of reference to this Capitation Tribunal were suppressed in India aroused our suspicion. Sir, it is now some years since the matter was taken up before the Public Accounts Committee and the *ad hoc* Military Accounts Committee about these capitation charges. As a matter of fact as late as 1922 the Inchcape Retrenchment Committee said the following :

"These payments are based on a capitation rate for each officer and man of the authorised British establishment, the rate having reference to the actuarial calculation of the number of recruits required annually to keep up the Indian establishment of British troops, and the cost of raising, training and equipping the annual drafts and reliefs."

Now as we find it, the rate has varied greatly. Up till the year 1908 the rate was £7-10s. per man. In 1908 it was settled after a compromise between Lord Morley on behalf of India and Lord Haldane on behalf of the War Office that the rate should be raised to £11-8s. But after the War in 1920-22 the War Office in England pressed that, due to the rise in prices, the rate should be as high as £28-10s. *per capita*. Then it was again altered in 1922-23 to £25-13s., and in 1923-24 it was provisionally fixed at £25, and that rate now provisionally prevails. It was a momentous question, as it now grew to be a huge sum, rising from £7-10s. in 1908,

stage by stage, up to £25. So naturally there was a demand preferred, by the officials in the first instance,—be it said to their credit,—and also by the non-officials for pressing for a revision, having regard to the great fall in prices of all articles. So this question of reference to an impartial tribunal has the support of all Indians, but we wondered why this measure was suppressed in India. Fortunately while we were coming up by train we happened to read it in the *Leader* which gave a quotation from the English press. Now we do not know why the Government of India did not see their way to keep us informed. Then the question was raised before the Public Accounts Committee, and subsequently as late as the 1st of September the Government by its communiqué published it for the information of the Indian public; but here also, though the reference is very broad and does not really confine itself to the proper question of capitation alone. In the terms of reference I find it distinctly said that it should be a confidential inquiry. I should like to hear from the Government why it should be confidential. Then, again, this report is to be the report of an advisory body, not binding on anybody. Now if it is to be an impartial tribunal, I do not understand why it should not be binding on both, or, if it is optional, why it should only be submitted to the British Prime Minister alone, and why not to the Indian Government and the Indian Legislature as well. That is a point where more elucidation is necessary. I adopt no hostile attitude on this motion because, as I have explained, we are all agreed that this capitation question should be settled, but we find that the reference is so wide. Take the third item of reference: "To examine the War Office claim that India should pay a direct contribution towards the cost of regular and supplementary reserves, and, *fourthly*, to consider whether the.....contribution paid by the War Office to India should be continued or modified after the 31st March, 1932." We shall be very glad if the Government can explain to us how all these bigger issues are also involved in this limited reference about capitation, or is it a tribunal which is going to discuss the big principle of sharing the question of Imperial defence. I hope the question will be discussed widely afterwards whether the Indian defence is a part of the Imperial defence, as some of the War authorities hold, or India should look to her own defence from her own revenues. I find from the publication of a Government document—Army of India for 1924—that technically it is held that the Indian defence is nothing but more or less a subsidiary part of the Imperial defence and they argue in this way:

"It has already been explained that under section 22 of the Government of India Act the purposes for which the army in India is maintained are specifically limited and that in a grave emergency it would be a recognised liability of His Majesty's Government to come to India's assistance with the armed forces of the United Kingdom and it is obvious therefore that the defence of India must be regarded as one of the permanent problems of Imperial strategy."

The argument continues in this way that for the defence of India the assistance of the British army may be necessary and as such the Indian army is only a part and parcel of the Imperial defence. I would like to be assured by the Government if they propose to include this wider question also in the terms of reference to this tribunal. I think we should settle our attitude after hearing from Government why this matter has not been explained in the communiqué and why it was postponed so long.

Mr. G. B. F. Tottenham (Army Secretary): Sir, I confess that it was with a feeling of some disappointment that I received the notice which has given rise to this debate. I am aware that there has been

[Mr. G. R. F. Tottenham.]

considerable criticism in the past of the delay that has taken place in settling this long-standing and important controversy, but I had hoped that the announcement, made in the Press Communiqué on the 1st September, would be met with some measure of approval rather than with criticism. After all, the main object in view is to obtain an authoritative declaration on this long-standing controversy about the capitation rates; and we have now at last succeeded in obtaining a tribunal, as our court of appeal, the findings of which will, as I am sure all Honourable Members will agree, carry the maximum weight and whose opinions cannot be lightly set aside. I think that is the most important point to take into consideration in considering the question whether the tribunal should be advisory or should give a final decision. There is no doubt that its findings will carry the utmost weight. The motion, however, is to discuss the unsatisfactory nature of the terms of reference. And in the speeches of the Honourable the Mover and my friend Mr. Mitra I find that the criticism has been directed not so much against the actual wording of the terms of reference as against the procedure which they think is going to be adopted, on the ground that this procedure, I gather, is intended to stifle an expression of non-official opinion in India on a subject in which non-official opinion takes the greatest interest and on which it has every right to be heard. Now, Sir, I wish to assure the House to begin with that this is not the case. With certain specific points I shall deal later, but it seems to me that the criticism is based largely on a misapprehension as to the functions of the tribunal; and I welcome the opportunity of endeavouring to remove that misapprehension. The misconception, I think, arises out of the fact that the second term of reference, that is the term dealing with the contribution from Imperial to Indian revenues, has been taken out of its context, in isolation from the others, and it has been assumed that the tribunal is going to deal with the whole broad question of the incidence of the cost of the army in India, the strength and composition of the army in India and such large questions as whether India requires British soldiers at all. That, too, is not the case. The tribunal was not designed to enter into those large questions, nor is this the time or the context in which I shall be able to do so. I may mention that the recommendation of the Defence Sub-Committee of the Round Table Conference to which the Honourable the Mover referred, namely, that there should be an expert inquiry into the strength and composition of the army in India, is being carried out already by a separate procedure. Sir, I think the terms of reference must be regarded

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Will the Honourable Member tell us what the other procedure is going to be ?

Mr. G. R. F. Tottenham : An expert Committee was appointed by His Excellency the Commander-in-Chief and it has submitted its report to Government. That report has been sent home and will be examined by the Committee of Imperial Defence at home. It is an expert enquiry by soldiers into the strength and composition of the army in India. What the eventual procedure will be when the Committee of Imperial Defence has considered the report of the expert Committee from India, I am not yet in a position to state, but I have no doubt that there will be a full

portunity in due course to discuss that. The point that I now wish make is that the Capitation Tribunal is not concerned with that larger question, and I do not wish to enter into that question at present.

As I said, the terms of reference must be read together. The second term of reference is complementary to the first. What this particular Tribunal has to do is to take the facts as they exist at the present moment, and to come to some conclusion as to whether the capitation charges, on these facts, are a fair charge or an unfair charge. I do not propose for the moment to go myself into the rights and wrongs of this very complicated and long-standing controversy, but I may perhaps explain the position like this. India claims relief from the capitation charges. His Majesty's Government say that these charges merely represent the actual cost of recruiting and training soldiers for service in India. That is to say, that they represent the cost of a service rendered to India. That is the first term of reference. We, again, reply that we too render service to His Majesty's Government by employing these troops in India and that a money value can be attached to that particular service. Hence, you get the second term of reference. There is the claim and the counter claim. The claim that England renders service to India by employing the troops; and the counter claim that India renders service to England by employing them. Well, Sir, if I have made myself clear so far, I think it will be realised that the questions which this Tribunal will consider are not constitutional questions or political questions or even purely military questions about the cost of the army or the size of the army or the number of British troops

Sir Cowasji Jehangir : May I interrupt the Honourable Member ? Does clause 2 refer to the British army in India or does it refer to the whole of the Indian army ?

Mr. G. R. F. Tottenham : It refers to the British army alone.

Sir Cowasji Jehangir : It does not say so ; it is very ambiguous. Unless the Honourable Member had told us this it would have been quite impossible to make out what clause 2 meant.

Mr. G. R. F. Tottenham : That, I understand, is the intention. It is merely a counter claim against the capitation charges, which we have to pay for using British soldiers provided by His Majesty's Government.

Sir Cowasji Jehangir : Am I to understand that clause 2 does not refer to the very much more important question of what service the whole Indian army renders to the British Empire ?

Mr. G. R. F. Tottenham : That is my understanding of the terms of reference.

As I was saying these questions are primarily and almost entirely financial questions arising out of the fact—whether it is right or wrong—that at the present moment India has to pay England for the cost of training and recruiting British troops for service in this country. If any corroboration is required of this view of the matter, that is to say that it is purely a financial question and not a political question nor a constitutional question, I think that corroboration is to be found in the proceedings of the Round Table Conference itself. I have looked through those proceedings with considerable care and apart from a few casual references to the capitation rates which were made in certain speeches in the Federal Structure Sub-Committee, I find there was a discussion on the subject in the Defence sub-committee.

[Mr. G. R. F. Tottenham.]

In the proceedings of the Sub-Committee on that occasion Sir Phiroze Sethna made a speech on the subject of the capitation rates, and I should like to quote to the House a few words to show how that discussion ended. Sir Phiroze Sethna was making a speech and Lord Peel intervened and said :

" I hope Mr. Chairman, we are not going into this question of the capitation grant. It is one of the most complicated, difficult and intricate questions with which I have ever had to deal.

Mr. Jayakar : It is a question of finance which is not the concern of this sub-committee at all.

Lord Peel : If we are going to go into that, I shall require to look up the details. It is a very complicated question and would take a long time to discuss.

Sir Tej Bahadur Sapru : It will be for the Government of India of the future, as of the present, to discuss."

There the matter ended so far as they were concerned. Now, Sir, if it is accepted that the matters at issue before the tribunal are purely financial matters and that the subject is of a technical nature and of an extremely complicated nature, I think it remains to be considered whether the procedure for dealing with it is suitable and reasonable. As there appears to be some doubt on the subject, I should like to explain what that procedure is going to be. I think the closest analogy is the procedure for hearing an appeal in a court of law. That is to say, both sides, His Majesty's Government and the Government of India, will prepare a full written statement of their claims and these written statements will be laid before the tribunal. The case will then be argued orally by Counsel before the tribunal, and I do not see that it should be necessary to examine any witnesses, either official or non-official. A written statement on behalf of India has been under preparation for many months and is now actually receiving its finishing touches at the India Office with the help of our own expert Military Financial Adviser, Mr. Macleod, who has been deputed to England for the purpose and who is fully conversant with the whole history of this complicated case. The Government of India will be represented by two Counsel before the tribunal, one a leading English barrister and the other an eminent Indian lawyer.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhamadan) : What are their names ?

Mr. G. R. F. Tottenham : I regret I am not in a position at the present moment to announce their names, the matter is still under consideration and I hope an announcement will be made in a short time. Thus, I think it is obvious that there will be every opportunity for the Indian point of view to be very fully and very ably placed before the Tribunal on this particular question. It seems to the Government of India that, considering the limited nature of the scope of enquiry and the complicated nature of the controversy, no more businesslike or satisfactory procedure could have been devised.

Some criticism has been directed against the announcement that the proceedings of the Tribunal are to be confidential and that the Tribunal is to report to the Prime Minister. I think the fear is that this will lead to the suppression of the report. I am not yet in a position to say what exactly the procedure will be when the report has been made to the Prime Minister, but I think I can safely say that there is no ground for any such fear. When any military matters are discussed, it is always a wise precau-

tion to make the proceedings confidential, at any rate in the first instance, as technical or secret matters may possibly arise which it would be inadvisable to give to the Press. Then again when the Tribunal has reached its decisions, it obviously must report to somebody and I can think of no more suitable authority for the Tribunal to report to than the Prime Minister. There are of course several departments of His Majesty's Government at home who are intimately concerned and interested in this matter. What the next step will be, as I have said, is not yet settled. But here again, I cannot imagine myself that there will be any doubt but that the report will be eventually published and that the Indian Government and this House will have a full opportunity of considering it before final decisions are taken. In any case, I can assure the House that, if it is their wish, a copy of the proceedings of this debate will be forwarded to the authorities at home so that they will be left in no doubt as to the views of Honourable Members on this subject.

That, Sir, is practically all I have to say and I trust that the House will excuse any imperfections in the manner in which I have presented the case. I do wish to make it perfectly clear that there is nothing further from the intentions of the Government of India than to deal with this matter in a hole and corner way. It is a matter in which official and non-official opinion largely coincide. Government are fully aware of Indian public opinion in this matter and they have consistently endeavoured for the last fifty years—that is to say, even before non-official opinion became interested in it,—they have consistently endeavoured to proceed in what they considered to be in the best interests of India. I venture to hope that in view of this explanation, the Honourable the Mover of the motion may possibly see his way not to press his motion to a division.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : I have heard the statement made by the Honourable Member on behalf of Government, but I must say that I am still unable to grasp what the exact position is with reference to this matter. I think he started by saying that it is the desire of Government to have an authoritative pronouncement from this Tribunal but then he ended by assuring us that this Capitation Tribunal is merely an advisory body whose decisions will not bind the Government and this, in fact, is the very communiqué. It is difficult to reconcile the two statements. If it is going to be merely an advisory body, how is its findings going to be an authoritative pronouncement? Whose pronouncement then is going to be authoritative? He also said that non-official public opinion will be consulted. I am not sure that he said exactly that; at any rate he said that public opinion will not be disregarded. We should like to know in what way public opinion in India is going to be consulted. There is nothing at all in the terms of the reference which throws light on this most vital point. He has assured us that this is not going to be a hole and corner enquiry, nor will there be a hole and corner decision. Who is going to decide? Do I take it, it is the British Government? If it is the British Government, are they going to hear us at all? Is this House going to get a proper opportunity to discuss this matter and to pronounce its opinion on the findings of this tribunal. This is a very important question in which we are deeply interested and upon which we have been laying so much emphasis for years together. There is nothing at all in the communiqué to reassure us on this point whether public opinion is going to be properly and adequately consulted before any conclusion is arrived at. We want a categorical assurance to that

[Sir Abdur Rahim.]

effect because, as the Honourable Member is fully aware, this is part of the larger question of the military expenditure which in our opinion is a crushing burden on this country and which stops all progress; and unless that is considerably reduced India will be absolutely powerless to do anything for the benefit of her people. This larger question was before the Round Table Conference and the delegates from India laid the greatest possible stress upon the necessity of reducing military expenditure. I understand an expert committee has been appointed which has to report on it. I should like to know exactly how this Tribunal fits in there and whether we as Members of this House will have an opportunity of considering the whole position. Sir, I must admit that as a Member of this House I feel and have felt for some time that this Assembly is being systematically treated with contempt by the Government whenever any vital issue is concerned. If the constitution of this country is going to be changed, if the fate of this very Legislature and the other Legislatures of the country is going to be decided, the Assembly has no say in the matter. If any fiscal policy is to be laid down, for instance by a Conference at Ottawa, we are not consulted at all. We were not told that such a Conference was going to be held and we were not asked whether we had any opinions to express or any directions to give to the delegates from India. Here is the question of military expenditure and the capitulation charges is a part of that question. We are not told what will be the position of this House with respect to this matter before it is decided. What is the good of presenting us with decisions of Government which cannot be altered by us? It is treating us with very scant courtesy and, I say, with contempt. This is not a position which can be tolerated by this House and I do hope the Honourable Member will assure us that there will be a definite procedure adopted for adequately consulting this House before any final decision is reached.

The Honourable Sir Alan Parsons (Finance Member) : Sir, I do not think that my Honourable friend who has just sat down need have been in any fear that Government would not give to this House ample opportunity for a discussion on this subject when a discussion can be usefully held. And I think that he is still under some misapprehension of the meaning and intent and purport of the Tribunal, the functions of which are described in the press communiqué which was issued on the 1st September last. That tribunal, as Mr. Tottenham has explained, is of a *quasi-judicial* character. I do not think that either the Government in Great Britain or the Government of India can necessarily accept its findings as final, because we should not be aware beforehand whether those findings were, for example, unanimous findings on each point or on all points. And I think therefore that it was, if not necessary, at any rate advisable, that the Tribunal should be in the first place advisory. Actually the personnel of the Tribunal is such as Mr. Tottenham has said; and any finding it reaches, and more particularly any unanimous finding it reaches, will be a most authoritative finding which I can hardly imagine either the Government in Great Britain or in India or this House would neglect. But the stage for further consultation with this House will obviously be after the recommendations,—I should have used that word instead of “findings”,—of that Tribunal have been received; and I can assure the House that so far as the Government of India are concerned, they will be prepared to lay those recommendations before

the House at any convenient opportunity. There is no intention whatsoever, in a matter of this kind where those on these Benches are at one with the Benches opposite, of preventing or in any way burking a discussion with our non-official friends. But I think the House will recognise that what we wanted in this particularly difficult case was first of all that it should be examined by a really independent authority, and I think we can congratulate ourselves that we have got that authority now,—and that the two Governments, on the basis of the advice given by that authority shall if possible come to an agreement.

I think my Honourable friend in addition asked whose should be the final decision. The decision will obviously be taken after this Tribunal has made its recommendations. For the rest it will be a decision by agreement between the Governments of India and Great Britain.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : Sir, this is of course a highly technical question and I would not have risen but for an idea that has just struck me. I find that though it is not a political question or a constitutional question but a question in which enormous financial obligations for India are involved. I do not, however, think that questions in which financial obligations are involved are not as important as political and constitutional questions are. I could not understand my Honourable friend opposite when he said that it was only a financial question and, therefore, it should not have the same importance as other questions. I think, Sir, that in a matter like this in which this Assembly has been endeavouring from the very beginning of its existence to get some sort of control, the House must have been asked to pronounce its opinion. At present no doubt it is only an advisory body, but at least that opinion of the House would have helped Government to a very great extent, and the feeling that we are treated with contempt would not have arisen in our minds. However, now that the Tribunal has been appointed, I feel that we cannot undo it and have our own tribunal. But there is one step still left and that is the appointment of a Counsel for India. My Honourable friend on the other side just said that two Counsels are going to be appointed, one a British barrister and the other a lawyer from India. I think this question is a very simple one, the lawyer who will be given the charge of pleading the case of India will have only to plead the case. The Counsel will not write the judgment and they will not have any say in the recommendations.

I would therefore like that the Government of India will see where the wishes of the Indian people would lie in a matter like this. I think the Government will agree with me that of all Indians in India it was Mr. Muhammad Ali Jinnah who has taken a very keen interest in military matters. He had been on all the committees which were appointed in the last six or seven years to consider this question in different forms. He had taken up this matter here in this Assembly on behalf of his party : this military question was his pet question. He is there in England at present and he is practising there as a barrister. I think if the Government would like to secure to some extent the confidence of the people of India, then it would be much better to approach him and get his consent to work as a counsel on behalf of India. So far as I know he is the only Indian lawyer at present who can do justice to the case of India. That is the suggestion which I thought I must make at this moment.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, from the proceedings of the Round Table Conference I understood that the future position of the Army will be considered by some committee and probably the conclusions would be embodied in the Government of India Act. I thought that the appointment of the Tribunal at this stage was really putting the cart before the horse. First we should know what will be the position of the Army in future and then and then alone we can appoint such a tribunal to discuss the financial arrangement. As far as I am concerned, I consider it a sporting question and probably some Members on the other side will answer what is the meaning of the British Army in India—whether the British Army in India is a British Army or an Indian Army. This is a point which I never understood. Either it should be an Indian Army or it should be a British Army. If it is British Army it should be maintained entirely by British Exchequer. I thought that the main question about the Army ought to be settled prior to the financial discussion, that is to say, how much Army we require for India which may be considered to be sufficient for maintenance of internal peace. It is immaterial whether it is manned by Indians or by Britishers. It is immaterial whether soldiers are Indians or Britishers, the Army would remain an Indian Army. It should be paid entirely by India. In addition to that we require some Army for the defence of the British Empire and that Army which is required for the defence of the Empire may be posted either in India or in Canada or in England or in any other colony forming part of the British Empire ; and this particular Army which is required for the defence of the Empire ought to be maintained by the Defence Council by a common fund to which India also should contribute : it might contribute a lump sum irrespective of the strength of the Army. If we follow this principle, the whole question of capitation will disappear. I believe very strongly that we should distinguish between the two classes of Army which we require, that is the Army for maintaining internal peace which should be paid entirely by India and there should be no capitation from either side : we should pay nothing to England for maintaining our Indian Army and we should not expect anything from England for maintaining it. In addition to that we require an Army for the defence of the Empire and we must have our own quota. This thing ought to be paid in lump sum to the defence council and it should be for the defence council to determine the strength of this Army and to determine where the Army should be placed. But at present the whole question of capitation for future application is premature. First we should settle the main question what should be the future of our Army, and afterwards the financial side should be adjusted. I am afraid the procedure of appointing a tribunal would really mean that no change is contemplated in the future administration of the Army in India and the whole question about the Army in India is intended to be shelved. That is the interpretation which I place upon it. I consider that the appointment of this Tribunal is premature and we ought to have waited for another year till the main issues have been decided.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : Sir, I have been very carefully listening to the speech of the Honourable Mr. Tottenham. One part of his speech was very difficult for me to digest. I understood him to inform the House that the two Governments, the Imperial and the Indian Governments, were preparing their respective briefs

and that their respective cases were in the course of being constructed, while the selection of the counsel has yet to be made. I take it that so far as the building up of the case is concerned, so far as the selection of the material, so far as the marshalling of the material is concerned, the counsel will have no hand in that. It is being collected by people who are probably experts from the military point of view....

The Honourable Sir Alan Parsons : And financial.

Mr. B. R. Puri : And financial, I grant you that ; but may I know where does the counsel come in and further whether you have invited the co-operation of any non-official Members of this House—those who have been criticising and commenting upon these capitation charges during the past many years and regarding this subject I understand from my Honourable friend, Mr. B. Das, that an understanding was given by the Honourable the Finance Member that the non-official opinion will receive due consideration whenever this question would come up before any tribunal.

Now, I would like to ask the Government, whether it would not be desirable that the counsel's opinion and help was taken before the case was finally prepared and also whether it would not be desirable to take the non-official opinion in the preparation of the brief. It would be very unfortunate if all this help is disregarded, which would be easily available and a bad or indifferent case is put before the Tribunal. Unless the course suggested is adopted the task of the counsel, however eminent he may be, will be either to read to the Tribunal the brief which has been prepared for him or at best to paraphrase it. He has had no opportunity of advising as to the suitability of the material upon which our case is to rest. While there is yet time this necessary help should be availed of.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Sir, at this late stage of the discussion on the adjournment motion, I am very very sorry that I should have to stand up and address this Assembly after hearing my many friends who have spoken so very eloquently ; but after the information that has been furnished not only by the Army Secretary, but also by the present Finance Member, who is an old Member of this Assembly, I must say this : the military question has been discussed in this Assembly for a long time and the complaint of the people of this country has been not merely since the arrival of my esteemed friend from Bengal interrupting me, but ever since the reformed Assembly has been sitting not only at this height of Simla but also in the Imperial City of Delhi.

(At this stage Mr. President vacated the Chair which was taken by Sir Hari Singh Gour.)

If my Honourable friend, Mr. Ghuznavi, will exercise a little patience,—he has been a little lucky owing to the Round Table Conference (Laughter),—he will find that this question of capitation has been engaging the attention of the people of India not after the speech that was made by Sir Phiroze Sethna, in the

[Mr. K. Ahmed.]

Round Table Conference in England, but after the thoughtful speech made by my friend, Mr. Jinnah, who happened to be a leading member of the Shea or Skeen Committee. (*An Honourable Member* : "Skeen Committee ?") My Honourable friend from Bengal need not correct me when he is quite ignorant of the recommendations of these Committees, because he was not then a Member of this House. (Laughter.) But, Sir, to-day is a great day, because an opportunity has been given to us to discuss the question of expenditure incurred on military, and we must be grateful to our friend, Mr. B. Das, for bringing forward this important motion in this House.

Sir, let us see the sweet test of the Government. Government have selected two people to represent the people of India, one is the Chief Justice of the Lahore High Court and another is the Chief Justice of the Allahabad High Court. But in to-day's *Hindustan Times* there appears a telegram from Lahore the sender of which says "that the inquiries made by me confirm my despatch, and I can reiterate that Choudhry Zafarullah Khan is being contemplated for the Capitulation Tribunal as the Government of India's advocate". I am very much obliged to my friend, Mr. Tottenham, the Army Secretary, because he has disclosed certain things of which we were ignorant. Sir, who ever heard of the name of Choudhry Zafarullah Khan before in this Assembly ? (Laughter.) It has been sounded, Sir, from one corner of the Round Table when an august friend of ours was selected as a member of that Round Table Conference on the recommendation of our distinguished representatives on the Executive Council....

The Honourable Sir Alan Parsons (Finance Member) : I wish to explain, Sir, that there is no intention and never has been, of appointing the Honourable Choudhry Zafarullah Khan as the counsel in this case.

Mr. K. Ahmed : I am very much obliged to the Honourable the Finance Member, who has not yet sanctioned the amount of cost of his fee, and as such he may be equally ignorant like myself (Laughter) about the whole matter. It is not his Department which engages these people ; his Department only makes payments just as...

The Honourable Sir Alan Parsons : I was speaking on behalf of the Government ?

Mr. K. Ahmed : May I know by whom has he been authorised to tell me that ? Has he been authorised by the Executive Council or by the Home Member or by the Viceroy or by the Secretary of State to tell me that ? If he gives me an undertaking that Choudhry Zafarullah Khan is not going to be appointed as the counsel in this case, then all the material I have collected to array against Government will be lost. I must say, Sir, that if they are going to select this gentleman, then their test is very very bad. Their selection has not been advantageous to the people of this country, nor would it be in any way useful to the country. Ever since we heard of his name, it has been sitting on me

like a nightmare from morning till evening and not from evening till morning (Laughter), because directly or indirectly all the cost on him would have been wasted and his choice would not have been in any way beneficial to the people of this country. Now, Sir, what are the issues before this Capitation Tribunal which the Government are contemplating to appoint? The issues are these, that you are going to appoint two counsel who are going to represent the people of this country.

An Honourable Member : You may be one of them. (Laughter.)

Mr. K. Ahmed : Yes, I may be one of them, quite so (Laughter)—and I am glad of it, because I am representing thousands and thousands of electors and voters of this country and millions and millions of people,—but, Sir, cannot my voice be arrayed against the voice of the Government of India representatives two of whom will be from the two High Courts and the other European gentleman, Mr. Macgoran, a counsel of eminence, whom I had the honour to...

The Honourable Sir Alan Parsons : Sir, on a point of order. I should like to know whether the discussion of the names of possible people who may appear from the Government of India before this Tribunal is in order on a motion to adjourn the House on a definite matter of urgent public importance, namely, the unsatisfactory character of the terms of reference to the Tribunal.

Mr. Chairman (Sir Hari Singh Gour) : The Honourable Member is striving to show that the Government of India have taken action behind the back of this House and that this House was not consulted, and consequently he is criticising the recommendation that the Government of India are reported to have made without consulting this House.

Mr. K. Ahmed : I am very thankful to the Chair, Sir, because the Chair has correctly interpreted what I was trying to drive at. If my Honourable friend, Sir Alan Parsons, had the patience to appreciate the point that I was trying to drive at, he would have been the best European gentleman to-day occupying the Government Benches after serving in the Railways and trying to expand those railways for thousands and thousands of miles. (Laughter.) Now, the question is, are we the people of India properly represented before this Capitation Tribunal? Do the people of India represent themselves at all properly by engaging a counsel like Choudhry Zafarullah Khan...

The Honourable Sir Alan Parsons : I have already stated quite definitely that there is no intention on the part of the Government of India to appoint the Honourable Choudhry Zafarullah Khan as counsel on this Tribunal, nor, if I may say so from my personal knowledge of him, if there were any such intention, would he desire to accept any such appointment.

Mr. K. Ahmed : I am very much obliged to my Honourable friend for the undertaking he has given that the news that has been pub-

[Mr. K. Ahmed.]

lished in the *Hindustan Times* this morning about the probable selection of Choudhry Zafarullah Khan is incorrect, and I congratulate my Honourable friend for giving us this assurance.

[At this stage Mr. President (The Honourable Sir Ibrahim Rahimtoola) resumed the Chair.]

I am glad, Sir, that the Government of India have realised the situation and that a gentleman who had no work to do until recently, and who was getting Rs. 100 per day when working and Rs. 50 per day when there was no work to do in the court in Delhi before another Special Tribunal as Public Prosecutor, is not going to be selected to represent the people of India before this Capitation Tribunal. Before that he was in the Round Table Conference, and therefore if a counsel like him was engaged in this case that would not be doing justice to the people of this country, nor...

Sir Cowasji Jehangir : I rise to a point of order. The Honourable Member is making distinct reflections upon an Honourable Member of the Council of State. I do not know whether he was ever a Member of this House, but he has a right to sit and address this House ; and in pure justice I rise to a point of order that no Honourable Member should be allowed to make these personal reflections.

Mr. K. Ahmed : That is not a point of order.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. Take your seat please. (To Mr. K. Ahmed.)

Sir Cowasji Jehangir : I will explain my point of order more fully. The Honourable Member has been referring to an appointment to be made by the Government of India, and he has brought forward a paper which reported the appointment of a certain gentleman. That rumour was contradicted by Government. Notwithstanding that, my Honourable friend has been making personal remarks about that Honourable gentleman who happens to be at present a Member of the Council of State and who has a right to sit and address this House as a temporary Member of the Government. And the personal remarks that he made just now were that he was not capable, or did earn only Rs. 100 a month (*An Honourable Member* : "A day.") That he was getting briefs of Rs. 100 a day, or Rs 50 a day while he was not capable...

(At this stage Mr. K. Ahmed rose in his seat.)

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order.

Sir Cowasji Jehangir :while he was not capable of earning Rs. 100 a month.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Personal reflections of that character are not allowed. The Honourable Member's time is up and he cannot resume his speech.

Mr. K. Ahmed : I rise to a point of order, because certain facts have been mis-stated by the Honourable Member...

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : What is the point of order ?

Mr. K. Ahmed : I will tell you if you have the patience to hear. My Honourable friend has raised the objection that there is a personal reflection in my remarks. Nothing of the kind. I have said only that his fee was fixed at Rs. 100 per day during working hours, and Rs. 50 a day when he had nothing to do except reading the briefs. That is not a reflection. The fact cannot be minimised that his fee was nothing more than Rs. 100 a day. It is not myself, it is.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member is giving a personal explanation without raising a point of order.

Mr. K. Ahmed : And, therefore,.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. Mr. Ranga Iyer.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : I listened with very great interest to the speech of my Honourable friend, Mr. Tottenham.....

Mr. K. Ahmed : I wish to rise again if you will kindly allow me. I am sure you will protect the rights of the Members of this Assembly whenever they are curtailed.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Does the Honourable Member wish to rise to make a personal explanation ?

Mr. K. Ahmed : Yes, Sir.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Let it be a purely personal explanation.

Mr. K. Ahmed : Very well, Sir. You know you have come back in this House not even 15 minutes, and probably not even 5 minutes before. I started speaking just at 5 o'clock and it is now 13 minutes past. The time limit is 15 minutes, and if you will allow me.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member said that he was rising to a personal explanation. Is that the personal explanation which he is offering ?

Mr. K. Ahmed : Explanation about the protection of the rights of Honourable Members to speak.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Chair keeps the time for every speaker and exercises its right of restricting each Member to the time limit of 15 minutes. The decision of the Chair in regard to the time occupied by a speaker cannot be challenged.

Mr. K. Ahmed : In spite of the fact.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. Mr. Ranga Iyer.

Mr. C. S. Ranga Iyer : I was saying that I listened to the interesting speech of the Honourable Member, Mr. Tottenham..... (*An Honourable Member* : "Louder please.")....with all attention. I thought that he

[Mr. C. S. Ranga Iyer.]

himself was labouring under a difficulty. . . . *An Honourable Member* : "Please speak up. We cannot hear." . . . in regard to the terms of reference for he had to explain some of the doubts which existed on this side and still continue to persist—doubts which found expression in the interruption from the Honourable Member from Bombay. He stated to us that in the second clause, which deals with the examination of India's claim that a contribution should be made from the Imperial revenues towards the military expenditure to the Indian revenues the British Government had in mind really the British army and not the Indian army. That came on some as something new because they had doubts on this matter, but it is welcome news.

Sir, it is really satisfactory that after an age-old agitation on the question of army expenditure beginning from the days of Dadabhoi Naoroji of honoured memory (Hear, hear) the British Government have decided to appoint an important tribunal. I am not here to cast any personal reflection of any kind whatever on the very important personages who happen to be in the tribunal. Both of the Indian Judges, whom I know, are men of great distinction. Mr. Chief Justice Suleiman, (*A voice* : "Sir Suleiman.")—well, I knew him when he was "Mr."—who is only 46 years of age, is known to be a man of great calibre in the United Provinces. Any one who had known his career at the Bar and his work as a judge will say that a better appointment could not have been easily made. As for Sir Shadi Lal, he is very famous as a judge, he was very famous as a barrister with a roaring practice. As I said, far be it from me to cast any reflection on the personnel of this tribunal. And when my Party decided that its Chief Whip Mr. B. Das should move this censure motion, the purpose of my Party was to draw the attention of this House more to the terms of reference and not at all to the personal aspect.

Now, then, as pointed out by the Leader of the Independent Party in his usually lucid and eloquent speech, it is deeply regrettable that this House should have been treated as a Cinderella in all matters of political, constitutional and financial importance. I do not quite agree with the Army Secretary when he says that this is purely a financial question, that it is neither political nor constitutional. I believe that is what he said. I personally beg to differ from him. It is a political question ; it is a constitutional question ; it is also a financial question. Politics, finance, constitution, all these things go together. After all, you cannot take away the financial aspect from the constitutional aspect. When the Round Tablers were discussing in London the Indian constitutional question they were not leaving out the army matter at all, and I would warn the Government with all seriousness that if they keep the military question out of the constitutional picture on the pretext that it is a financial matter they will be creating a situation which we all know will be very difficult for any Government to face. The patience of the constitutionalists will be exhausted if the military question is to be taken out of the constitutional picture on the pretext of its being a financial question.

The Honourable Sir Alan Parsons : But nothing of the sort has been done, Sir. This is merely a question of the financial terms on which existing British troops shall be employed in this country.

Mr. C. S. Ranga Iyer : I am told that it narrows down to a particularly financial issue, which obviously explains why the Leader of the

House has not yet taken part in this debate. (Laughter.) I do hope that the Government would treat this as a constitutional question and I do hope that the Honourable the Leader of the House will emerge from his silence and enlighten this House because of the great information that he possesses on military and financial matters, for I remember the days when he used to be a financial expert even as a non-official politician. Now, the important question is this, why should Indian non-officials be excluded? Why was this Assembly not consulted? If you examine the personnel, you find that Colonial non-officials have not been excluded. The Chairman of the Committee, as I understand, was lately Solicitor General to the Commonwealth Government of Australia. He is now a non-official but here in India we find only officials are selected. As I have stated, they are men of great eminence but there should have been experienced non-officials besides who can also bring to bear on this problem all their wisdom and knowledge. This House has not been represented on the Tribunal. Why should this Assembly be treated permanently as something of an untouchable? ("Hear, hear" and cries of "Shame"). I can perfectly understand the Honourable the Leader of the Independent Party emphasizing this aspect of the matter. We were told that this is not the time to discuss this censure motion. I think we had to bring forward this motion for the simple reason that the Government did not table a motion for the purpose of discussion in this House.

Sir, the most difficult and formidable aspect in the terms of reference is in the third clause: to examine the War Office claim that India should pay a direct contribution towards the cost of regular and supplementary reserves. The War Office wants India to pay more and more and more. The tragedy about the military question in this country has always been the supremacy of the War Office. It is the War Office really that has been regulating the Indian military administration. It is the War Office really that has been dictating that India should bear so much of Imperial burden. It was recognised by British statesmen of the 19th century that India should not pay for the British Army of occupation. I call it an Army of occupation for the very simple reason that the British Army is kept here for Imperial purposes. I admit that the expenses of our own Army when it goes out are paid from Imperial revenues but this British Army kept in India for Imperial purposes should have been paid for by Great Britain. This fact has been admitted by Mr. Ramsay MacDonald that remarkable genius and talented author of the Government of India in his numerous writings and speeches on India. The great Socialist Chief of a largely Tory Cabinet has admitted that this burden should not have been put on the Indian people. I think the Simon Commission had considered this matter and now here is the War Office which wants to put more and more burdens on the Indian people. As War Office domination continues no wonder Indians want absolute control over Army matters. There can be no constitutional freedom—that fine phrase which our revered Leader of the House used the other day—without complete control of the defence. Such is the feeling in the country, which puts in the forefront of the picture this military question because self-rule and self-defence go together. If Great Britain wants to keep an Army in India for Imperial purposes, she must pay for its maintenance. If Great Britain is not willing to pay for that Army, then ye should immediately start military colleges all over the provinces. We must have an Indian Army, a Dominion Army, as the Simon Commission puts it, when India is elevated

[Mr. C. S. Ranga Iyer.]

to dominion status; as she claims she ought to be elevated without further delay. Therefore, Sir, this Advisory Tribunal does not command our enthusiasm, because it is an advisory committee after all. We have been benevolently told by the Honourable gentleman opposite (Sir Alan Parsons), that its report will be placed before the House. We know, something of Commissions and the fate of Commissions' reports. We know, how the Advisory Tribunal's verdict will be treated if it is unsavoury? We want the transfer of the supremacy of the War Office to a legislature responsible to the people of this country. That is the live issue of the day and that issue is being shelved. At any rate that is the public suspicion—because the British Government reserves to itself the right of forming final conclusions on this matter. Now, we deny the British Government the right of forming its conclusions on this matter without the co-operation of the representatives of the people of this country. I do not want to cast any reflection on the Round Tablers but it is a constitutional phrase to say that they were nominees of the Government and not the elected representatives of the people, though some of them happily happen to be elected Members of this House but they are only a handful, a small minority. The Round Table Conference was dominated by the favourites of the Government, on whom the Government have showered favours, ignoring the Legislatures of this country—the prize boys of a foreign bureaucracy (Hear, hear). Sir, I have got only two more minutes and I would ask the Honourable gentlemen responsible opposite to inform His Majesty's Government and ask them to make amends, if it is still possible to make amends, by drawing from the Indian non-official public some prominent leaders or leader, for instance, like Sir Sivaswamy Aiyar, who is a great Army expert besides being a lawyer of eminence. A man like Sir Sivaswami should have been put on this Tribunal, especially when a Colonial non-official happens to be its Chairman. Why should India be treated differently from the Colonials? If a Colonial non-official can be a Chairman of this Tribunal, surely an Indian non-official ought at least to have been a member of it.

Several Honourable Members : The question be now put.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I accept the closure. The question is that the question be now put.

The motion was adopted.

Mr. B. Das : Sir, I agree with one portion of the speech of my Honourable friend Mr. Tottenham that in financial and Army control matters the Government of India and the non-officials in India are agreed almost on every point. But thereafter I could not agree with him. Although the Army Secretary is in possession of the secrets of His Excellency, the Commander-in-Chief and the War Office, all the time he used the phrase 'As I understand'. He understands the communiqué in one way and we understand it in another way. I am sorry to differ from my Honourable friend Sir Alan Parsons and my friend Mr. Tottenham in their interpretation of the terms of reference. I could not understand why my friend Mr. Tottenham could not produce the original document that came from the War Office and why were these terms of reference mutilated? He says that the terms of reference in

(b) and (c) should be taken as part of (a). Now why this mutilation? Well there has always been a difference between the War Office and the British Government on one side and Government of India on the other, and, naturally, the difference must remain. I was glad to learn from my friend the Army Secretary that what the Round Table Defence Committee recommended, the Commander-in-Chief's expert committee has reported on, but I want to know how they came to definite conclusions on those points raised at different times here or at the Round Table Conference by our representatives, when there are various points which are still to be settled. There are various points which require non-official assistance, there are problems to which I have already referred in my opening speech concerning Imperial defence which no army committee in India can settle. The representatives of the Dominions must be invited to bear their proportionate expenditure, so that India does not become unnecessarily saddled for the defence of the British Empire and the Dominions. Sir, I agree with my Deputy Leader, Mr. Ranga Iyer, that none of us had or have any intention of casting reflection on the personnel of the Committee; but I entirely agree with him that, however eminent the men are, non-official India must find representation there. At the same time I want a reply from my Honourable friend, Mr. Tottenham or my Honourable friend, Sir Alan Parsons, as to why is it that the definite assurance given by Sir George Schuster in this House that a non-official committee would be taken to England to advise the Defence Council in London when such matters are discussed is not being given effect to.

The Honourable Sir Alan Parsons : Will the Honourable Member kindly give me the reference to that definite assurance? I have not been able to find it.

Mr. B. Das : I have not just now got the exact reference, but two or three years ago Sir George Schuster referred to this matter, and this is the definite impression which we on this side of the House gathered.

The Honourable Sir Alan Parsons : I only asked the Honourable Member because I had not been able to find the reference. I am not at all sure that it is in existence!

Mr. B. Das : Sir, my friend, Mr. Tottenham, appealed to me to withdraw the motion, but I feel that he has not satisfied me or anybody in this part of the House that this arbitration Tribunal is appointed only to settle the capitation charges. That Tribunal, I fear, is going to settle important constitutional, political and financial questions behind our backs, behind India, behind our representatives at the Round Table Conference, and, for that, I want to censure the Government of India; but I wish to make it plain that the Government of India and we are agreed entirely in our views on the Army capitation question and also on various larger issues. If I censure the Government of India now and if they are the scapegoats of my motion, I, in reality, censure the British Government and the War Office for their high-handedness.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“That the House do now adjourn.”

The Assembly divided :

AYES—18.

Bagla, Lala Bameshwar Prasad.
Das, Mr. B.
Gour, Sir Hari Singh.
Lalchand Navalrai, Mr.
Maswood Ahmad, Mr. M.
Neogy, Mr. K. C.
Pandian, Mr. B. Rajaram.
Pandit, Rao Bahadur S. R.
Puri, Mr. B. R.

Ranga Iyer, Mr. C. S.
Reddi, Mr. P. G.
Reddi, Mr. T. N. Ramakrishna.
Sadiq Hasan, Shaikh.
Sant Singh, Sardar.
Sen, Mr. S. C.
Singh, Kumar Gupteshwar Prasad.
Singh, Mr. Gaya Prasad.
Thumpan, Mr. K. P.

NOES—49.

Acott, Mr. A. S. V.
Ahmad Nawaz Khan, Major Nawab.
Aiyar, The Honourable Sir C. P. Ramaswami.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.
Amir Husain, Khan Bahadur Saiyid.
Anwar-ul-Azim, Mr. Muhammad.
Bajpai, Mr. G. S.
Banerji, Mr. Rajnarayan.
Clow, Mr. A. G.
Dalal, Dr. R. D.
Dash, Mr. A. J.
DeSouza, Dr. F. X.
Fazal Haq Piracha, Shaikh.
Fazl-i-Ilahi, Khan Sahib Shaikh.
Fox, Mr. H. B.
Ghuznavi, Mr. A. H.
Graham, Sir Lancelot.
Greenfield, Mr. H. C.
Gwynne, Mr. C. W.
Haig, The Honourable Mr. H. G.
Hexlett, Mr. J.
Hossack, Mr. W. B.
Ishwarsingji, Nawab Nuharsingji.
Isma'il Khan, Haji Chaudhury Muhammad.
James, Mr. F. E.

Jawahar Singh, Sardar Bahadur Sardar.
Jehangir, Sir Cowasji.
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.
Mackenzie, Mr. B. T. H.
Macqueen, Mr. P.
Metcalfe, Mr. H. A. F.
Morgan, Mr. G.
Mukherjee, Rai Bahadur S. C.
Naydu, Rao Bahadur B. V. Sri Hari Rao.
Nichols, Mr. H. L.
Noyce, The Honourable Sir Frank.
Parsons, The Honourable Sir Alan.
Rajah, Rao Bahadur M. C.
Rau, Mr. P. B.
Ryan, Mr. T.
Sahi, Mr. Ram Prashad Narayan.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan Gakhar, Captain.
Smith, Mr. B.
Sorley, Mr. H. T.
Suhrawardy, Sir Abdulla-al-Māmūn.
Tin Tut, Mr.
Tottenham, Mr. G. R. F.
Yakub, Sir Muhammad.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 7th September, 1932.

LEGISLATIVE ASSEMBLY.

Wednesday, 7th September, 1932.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

QUESTIONS AND ANSWERS.

BOMBAY RIOTS.

73. ***Mr. Gaya Prasad Singh :** Will Government kindly make a statement on the Bombay riots in May-June, 1932, indicating the causes of the riots if they have been ascertained by Government, the steps taken to quell them, and the number of casualties among the Hindus, Muhammadans and others ?

The Honourable Mr. H. G. Haig : The Government of Bombay intend to publish an official report on the riots, when communal tension has subsided.

2. The Communiqué issued by the Government of Bombay on the 20th May, deals with the first phase of the riots and shows that various comparatively trivial incidents in Nagdevi Street were suggested as the immediate cause of this unfortunate communal outbreak ; but the fact is that feelings between the two communities had been strained for some time and had been further embittered by the interference of Congress with Muhammadan traders. The ground was thus prepared for a disturbance and with the approach of Muharram any cause was sufficient to provoke it.

3. As regards the cause of the riots and the steps taken by the Local Government to quell them, I would invite the Honourable Member's attention to the Communiqués issued from time to time by the Government of Bombay.

4. The total casualties from the 14th May up to the 15th July are as follows :

KILLED.			
<i>Hindus.</i>	<i>Muhammadans.</i>	<i>Other Communities.</i>	<i>Total.</i>
130	83	1	214
INJURED.			
1,259	1,264	31	2,554

Mr. B. Das : In view of the frequent communal riots owing to trivial incidents, as has been said by the Honourable Member just now, will Government kindly see their way to put all communalist leaders under Regulation III and deport them, so that no more communal riots might occur in Bombay or elsewhere ?

The Honourable Mr. H. G. Haig : It would be rather drastic action.

Dr. Ziauddin Ahmad : What is a communalist leader ? Can it be defined ?

The Honourable Mr. H. G. Haig : I agree that it is difficult to define.

Mr. Lalchand Navalrai : May I know if the cause of the riots was communal to begin with ? Did the riots begin on any communal question ?

The Honourable Mr. H. G. Haig : The actual occasion of the riot was some quite trivial quarrel.

Mr. Lalchand Navalrai : Was not the Government able to quell the riot until it took a communal turn ?

The Honourable Mr. H. G. Haig : No, Sir. As soon as the riots began to develop, Government took action at once. But the Honourable Member is aware that it is quite impossible to prevent some casual incidents occurring.

Mr. Lalchand Navalrai : Will the Honourable Member please state at what time the riots arose and at what time the Government interfered ?

The Honourable Mr. H. G. Haig : I would refer the Honourable Member to the communiqués which I have already mentioned.

Mr. Lalchand Navalrai : Will the Honourable Member please read out the communiqués.

The Honourable Mr. H. G. Haig : I would invite the Honourable Member to read the communiqués himself.

Mr. Lalchand Navalrai : I was asking at what time the riots began and at what time the Government interfered ?

The Honourable Mr. H. G. Haig : Will the Honourable Member please put down a question and I will answer.

Mr. N. M. Joshi : What is the difference between a communalist terrorist in Bombay and a terrorist in Bengal ? May I ask, why Government makes a difference between the treatment of one kind of terrorism and the other kind of terrorism ?

The Honourable Mr. H. G. Haig : Does the Honourable Member suggest that in Bombay there is a party which is deliberately organising assassination for the overthrow of Government by methods of terrorism ?

Mr. N. M. Joshi : I think so.

The Honourable Mr. H. G. Haig : I am afraid I must disagree.

Mr. B. Das : Are not the effects of undermining the Government and undermining society the same ?

The Honourable Mr. H. G. Haig : The results are deplorable, but the methods are entirely different.

Mr. B. Das : I disagree.

Dr. Ziauddin Ahmad : If the definition of the terrorist and communal leaders be what is mentioned here, then how many Members of this House will come under that category and how many will have to be deported ?

The Honourable Mr. H. G. Haig : It is for the House to decide.

Mr. S. C. Mitra : In view of the frequency of these communal riots, will Government be pleased to investigate if there is any third party who instigates these riots ?

The Honourable Mr. H. G. Haig : The Government of Bombay are publishing a full report on the matter as soon as circumstances permit.

DEPORTATION OF CERTAIN INDIAN STUDENTS FROM THE UNITED STATES OF AMERICA.

74. *Mr. Gaya Prasad Singh : (a) Are Government aware that about a dozen Indian students were deported this year from America by the United States Government on the ground that they were virtually without funds, and that the British Embassy at Washington refused to give any money when approached by the United States authorities for the cost of transporting them to India ?

(b) Who were those students, to what parts of India do they belong, what is the law in the United States on the subject ; and what steps, if any, have Government taken in the matter ?

Mr. H. A. F. Metcalfe : (a) As far as my information goes, six Indian students have been deported this year from the United States of America. Charges on account of these deportations were borne by the United States Government, and no request was made by that Government to the British Embassy for the cost of transporting these students to India. The students were deported not on account of destitution, but because they had lost their immigrant student status under the United States Immigration Law of 1924.

(b) The names of the students who were deported are as follows :

- (1) Sadhu Singh of the Punjab.
- (2) Babu Singh Dhillon of Ludhiana, Punjab.
- (3) Daniel James Kelly of Darjeeling, Bengal.
- (4) Iqbal Singh of Amritsar, Punjab.
- (5) Beni Madhav Misra of Lucknow.
- (6) Nirmal Singh of Jullundur, Punjab.

Under section 4, sub-section (c) of the United States Immigration Law of 1924, an immigrant who is a *bona fide* student of at least 15 years of age and who seeks to enter the United States solely for the purpose of study at an accredited school, college or university, specifically designated by himself and approved by the Secretary of Labour is admitted as a non-quota immigrant. Under Rule 10, sub-division B of Regulations made under the Immigration Act, any immigrant student admitted to the United States under the above mentioned clause "who fails, neglects, or refuses regularly to attend the school, etc., to which he has been admitted or who otherwise fails, neglects, or refuses to maintain the status of a *bona fide* student or who is expelled from such institutions or who engages in any business or occupation for profit or who labours for hire shall be deemed to have abandoned his status as an immigrant student and shall, on a warrant of the Secretary, Labour Department, be taken into custody and reported".

All the persons mentioned above were found to have offended against one or other of the provisions of this Law and the regulations made thereunder.

The Government of India have taken no steps in the matter.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state if the British Embassy there rendered any help to them in coming over to India ?

Mr. H. A. F. Metcalfe : So far as I understand from the British Ambassador, no help was asked for nor was any offered.

Dr. Ziauddin Ahmad : Did the Embassy know the circumstances of these cases ?

Mr. H. A. F. Metcalfe : I understand that the Embassy were informed, but the Honourable Member will understand that His Majesty's representative at Washington is not in a position to interfere with the working of the internal law of the United States.

Sir Cowasji Jehangir : Were these students destitute ?

Mr. H. A. F. Metcalfe : I understand that they were not destitute, but they had offended against the law of the United States.

Mr. Lalchand Navalrai : Was there any objection on the part of the Embassy to helping them only to return to India ?

Mr. H. A. F. Metcalfe : I have already informed the Honourable Member that no assistance was asked for from the Embassy.

Mr. Lalchand Navalrai : When the Embassy knew that they were in such circumstances and that it was necessary for them to come back, why was not any help given ?

Mr. H. A. F. Metcalfe : Because no help was either asked for or necessary. The charge is one which falls upon the United States administration and they discharged that duty.

Mr. B. Das : Is it not part of the functions of the Ambassador or the Consul General of Britain to watch and protect the interests of Britishers and Indians alike and did the British Ambassador or the British Consul General in the United States take no notice while the United States Government were considering the expulsion of these Indians ?

Mr. H. A. F. Metcalfe : It is possible that the Ambassador or the Consul concerned in each case watched the proceedings but, as I have already explained to the House, His Majesty's representative is not in a position to interfere with the working of the internal law of a foreign country.

Mr. B. Das : But did the British Ambassador or the Consul concerned inform the Government of India at the time that certain Indians are affected and being prosecuted by the United States Government ?

Mr. H. A. F. Metcalfe : So far as I know, he gave no such information.

Mr. B. Das : Is it not part of the functions of the Ambassador to do that ? If not, may I ask the Honourable the Leader of the House

whether it is not high time to appoint Indian Consuls in the United States to watch the interests of Indians ?

The Honourable Sir C. P. Ramaswami Aiyar : I have been somewhat taken by surprise, but the question will no doubt be borne in mind.

Sir Cowasji Jehangir : Is it one of the functions of a British Ambassador in any part of the world to inform the Indian Government of every Indian returning to India ?

Mr. H. A. F. Metcalfe : I think in the present case information was sent. It was not sent to the Foreign and Political Department, but I think to another Department which is concerned with students.

CHARGES IN CONNECTION WITH INDIAN MILITARY FORCES EMPLOYED IN THE GERMAN WAR.

75. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that extraordinary charges amounting to £13,600,000 in connection with Indian military forces employed in the German War have been saddled on India by a Resolution adopted in the House of Commons in June last ? If so, did the Government of India consent to it ? Are Government prepared to place a copy of the correspondence on the table ?

(b) Is it not a fact that this sum is in addition to the 100 million which was taken from Indian revenues in 1917 in connection with the war ?

The Honourable Sir Alan Parsons : (a) No. The sum of £13,600,000 represents the additional charge which, as a result of a Resolution adopted by the Imperial Legislative Council on the 10th of September, 1918, India agreed to bear in respect of the cost of military forces raised in India. It covered such specific items of expenditure as the normal charges and temporary accommodation for Indian troops in excess of the ordinary establishment, casualty pensions of Indian establishment and expenditure on the Indian Defence Force : and it was actually paid in 1918-19. The Resolution adopted by both Houses of Parliament on the 30th of June last merely gave that formal regularisation to this old payment which is required by section 22 of the Government of India Act. The regularisation was postponed until now because, although the Imperial Legislative Council by a Resolution of the 9th of March, 1920, had recommended that there should be no recovery of this sum, it was decided to treat the payment as provisional until other claims and counterclaims arising out of the war had been settled. I lay on the table a copy of a press communiqué which explains the position a little more fully.

(b) This sum is in addition to the contribution of £100 millions which India agreed to make towards the cost of the war.

Press Communiqué.

On the 30th June, 1932, a Resolution was moved in both Houses of the British Parliament in the following terms :

“ Whereas by Resolutions passed on the 16th September and 26th November, 1914, respectively, this House consented to the charge upon Indian revenues, subject to certain

conditions, of the ordinary pay and other ordinary charges of British and Indian troops despatched out of India for service in the Great War, as well as the ordinary charges of any vessels belonging to the Government of India that might be employed in those expeditions :

“ And whereas by a Resolution passed on the 14th March, 1917, this House consented to a contribution of £100,000,000 charged upon the revenues of India towards the expenses of the war :

“ And whereas the Government of India, desirous of affording further assistance to His Majesty's Government, have provisionally and subject to the consent of this House met out of the revenues of India further extraordinary charges in respect of the Indian troops employed in the war :

“ And whereas the Government of India are desirous of bearing finally such further extraordinary charges to the extent of £13,600,000 :

“ This House consents that the extraordinary charges to the extent of £13,600,000 aforesaid shall be borne by Indian revenues.”

To prevent any possible misunderstanding it is notified that the adoption of this Resolution imposes no new burden on the finances of India : it merely regularises in a formal manner a payment actually made in 1918-19.

The circumstances are briefly as follows. In pursuance of a Resolution passed by the Indian Imperial Legislative Council on the 10th September, 1918, the Government of India agreed to accept a charge against Indian Revenues of £13,600,000 in addition to the original contribution of £100 millions made by India in 1917 towards the expenses of the Great War. This additional payment of £13,600,000 was to cover specific items of expenditure such as the normal charges and temporary accommodation for Indian troops in excess of the ordinary establishment, expenditure on the Indian Defence Force, and casualty pensions of Indian troops.

The acceptance of charges of this nature against the Revenues of India is subject, under the terms of Section 22 of the Government of India Act, to the consent of both Houses of a Parliament. This formal regularisation was delayed by the consideration of other claims arising out of the war. These consisted of claims and counterclaims, in many cases for large sums of money, between His Majesty's Government and the Government of India, and raised questions of principle which led to prolonged discussion. A final settlement of these claims and counterclaims has now been reached on the basis of no further payment by either party. This settlement means that the Government of India are now relieved from possible heavy additional claims, and the way has thus been cleared for securing the formal consent of Parliament to the payment of the £13,600,000 which, as already stated, was actually made in 1918-19.

SIMLA ;

The 2nd July, 1932.

Dr. Ziauddin Ahmad : May I ask whether the sum of £13,600,000 has actually been paid ?

The Honourable Sir Alan Parsons : Yes, Sir. As I have explained, it was paid in 1918-19.

Dr. Ziauddin Ahmad : May I ask what portion of the contribution of £100,000,000 has been actually paid and what is still outstanding ?

The Honourable Sir Alan Parsons : I am afraid I must ask for notice. I have not got the figures in my mind.

Mr. B. Das : Is it not a fact that this sum of £13,600,000 settles all counterclaims of England and it is a fair bargain on behalf of India ?

The Honourable Sir Alan Parsons : The Honourable Member is not quite correct in saying that it settles all the counterclaims of England. The regularisation of this old claim had been left until agreement had been reached with His Majesty's Government with regard to their claims

against India and India's counterclaims against them. As to the second part of the question, India has in my opinion done very well by the settlement arrived at with regard to these claims and counterclaims.

Dr. Ziauddin Ahmad : In view of the fact that this payment was made before the Legislative Assembly came into existence, will this question be laid before the tribunal now formed ?

The Honourable Sir Alan Parsons : No, Sir. There is nothing left to be laid before the tribunal. This payment was actually made, as I have explained, in 1918-19. It was authorised by a Resolution passed in the old Imperial Legislative Council. It was merely because the Council of India, whose authority is required before any payment can be finally debited to Indian revenues, decided that it was better to treat it as provisional until the claims and counterclaims had been settled, as they now have been settled, that this regularisation has taken such a long time.

Dr. Ziauddin Ahmad : In the opinion of the Honourable Member is this a just case to be laid before the tribunal ?

The Honourable Sir Alan Parsons : No, Sir.

GOVERNMENT MILITARY DAIRY FARM, JUTOGH.

76. ***Mr. Gaya Prasad Singh :** (a) Will Government kindly state how long the Government Military Dairy Farm, Jutogh, has been in existence ; and what is its annual expenditure, and annual income from the sale of dairy produce ; and what is its net profit approximately ?

(b) Have instructions ever been issued from the Headquarters that dairy produce from the Military Dairy Farm, Jutogh, should only be supplied to Government officials, and to messes where Government servants are in majority ? If so, why ? Will Government kindly place on the table a copy of the rules and instructions on the subject ?

(c) What are the other Military Dairy Farms in India where similar rules are in existence ?

(d) How many European and Indian officials are there to whom the dairy produce of the Government Military Dairy Farm, Jutogh, are being supplied at present ; and will Government be pleased to place in the Library a full list of such persons ?

Mr. G. B. F. Tottenham : (a) The Jutogh Military Dairy Farm has been in existence for the last 22 years. Its income during the year 1931-32 was Rs. 43,223 and its expenditure Rs. 44,703. There was therefore a loss of about Rs. 1,500 in that year.

(b) and (c). Instructions were issued in 1906 to all military dairy farms authorising the sale of surplus dairy produce to civilians. An extract from the instructions issued in 1906 is laid on the table.

(d) A list of customers has been placed in the Library. In addition to certain hospitals, detachments, institutes, etc., there are about 150 individual customers of whom about 30 are Indians.

Extract from the instructions issued in 1906.

Though Government dairies are only intended for the supply of produce to troops, Army Departments and establishments, and are not to embark in private trade, as this

prohibition falls heavily on non-military Government officials and their families desirous of obtaining supplies when the same are available, it has been decided that where any surplus produce exists at a dairy it may be issued to civilians provided it can be sold at remunerative rates.

Mr. Gaya Prasad Singh : What does the Honourable Member mean by the word "civilians" ? Does it include non-officials ?

Mr. G. R. F. Tottenham : I am afraid I am not able to differentiate between officials and non-officials in the list without making a number of inquiries which would take a great deal of time. The majority of them are certainly officials serving under the Government of India, but there may be non-officials as well.

Mr. Gaya Prasad Singh : Are Government aware that the Manager of the Government Military Dairy Farm at Jutogh wrote to me as follows on the 20th June last ? :

"I have strict instructions from headquarters that dairy produce from the Government Military Dairy Farm at Jutogh are only to be supplied to Government officials and to messes where Government servants are in a majority. I, therefore, regret that I will not be able to comply with your order."

Mr. G. R. F. Tottenham : No, Sir ; I am not aware of that.

Mr. Gaya Prasad Singh : May I take it, that is due to any misapprehension ?

Mr. G. R. F. Tottenham : I will make inquiries. I have no information.

Mr. Gaya Prasad Singh : But is not the subject-matter of my supplementary question contained in the original question itself of which I gave notice about two months ago ?

Mr. G. R. F. Tottenham : I think, Sir, I have answered the actual questions which the Honourable Member put. This is another matter about which I will inquire if he will put down a further question.

Mr. Gaya Prasad Singh : My question is this. Is there any instruction issued from headquarters that the produce of the dairy farm should be supplied only to Government officials or to messes where Government servants are in a majority ?

Mr. G. R. F. Tottenham : The instructions from headquarters on the subject, a copy of which I lay on the table, run as follows :

"Though Government dairies are only intended for the supply of produce to troops, Army Departments and establishments and are not to embark in private trade, as this prohibition falls heavily on non-military Government officials and their families desirous of obtaining supplies when the same are available, it has been decided that where any surplus produce exists at a dairy, it may be issued to civilians provided it can be sold at remunerative rates."

Mr. Gaya Prasad Singh : My question was, will the Honourable Member kindly explain the word "civilians" and say whether it includes non-officials or not ?

Mr. G. R. F. Tottenham : It does include non-officials, because supplies are made to such institutions as hotels and clubs, which are certainly not official institutions.

Mr. Gaya Prasad Singh : In view of the fact that this dairy is a commercial concern and that it is running at a loss, do Government propose to abolish it ?

Mr. G. B. F. Tottenham : No, Sir; they do not propose to abolish this dairy. I may point out that although the dairy at Jutogh during last year ran at a slight loss, the military dairy farms in India as a whole produce considerable profit. And the reason why the dairy at Jutogh ran at a slight loss is that it is run largely to supplement the dairies on the plains. During the hot weather, as the Honourable Member is aware, a good many troops come up to the hills and if the dairies on the plains were maintained at the same strength during the hot weather there would obviously be a loss. Therefore a portion of the stock is removed to the hills and small dairy farms are run on the hills to make the most economical use of the cattle.

**PROHIBITION OF IMPORTATION OF MEDALS BEARING THE INSCRIPTION
"INDEPENDENT INDIA".**

77. *Mr. Gaya Prasad Singh : (a) Is it a fact that the bringing into British India of medals bearing the inscription "Independent India" in any language has been prohibited? If so, why?

(b) How many such medals have been brought into British India during the last two years, and from where?

The Honourable Mr. H. G. Haig : (a) Yes. The inscription indicates disaffection towards the Government established by law.

(b) I have no precise information, but it was reported that considerable numbers of these medals were being imported.

Mr. Lalchand Navalrai : Does the Honourable Member mean that if India gets Dominion Status she will not be independent?

The Honourable Mr. H. G. Haig : She will not be independent of the British Empire.

Mr. Lalchand Navalrai : Was the word "Independent out of the British Empire" on the medal or only "Independent"?

The Honourable Mr. H. G. Haig : The word "independence" in this country I fancy is usually interpreted as meaning complete rupture of relations with the British Empire.

Mr. Lalchand Navalrai : Is that the view of the Government of India or the public?

The Honourable Mr. H. G. Haig : That I understand to be the view of those people who use the word.

**RECRUITMENT OF CLERKS AND ASSISTANTS IN THE GOVERNMENT OF INDIA
OFFICES.**

78. *Mr. Gaya Prasad Singh : (a) With reference to starred question No. 891 of the 23rd March, 1932, will Government kindly state whether the concession of allowing unsuccessful candidates to continue in office (to the exclusion of others who have passed), until such time as they can pass the examination, applies only to lady clerks and Muslims?

(b) If so, why have not similar concessions been allowed to other minority communities also?

The Honourable Mr. H. G. Haig : (a) and (b). As explained in the replies given to part (d) of Mr. S. C. Mitra's unstarred question No. 138

on the 2nd October last and part (c) of Mr. Muhammad Anwar-ul-Azim's starred question No. 910 on the 23rd March, last, provision was made for the temporary employment of unqualified lady and Muslim clerks until qualified ladies and Muslims, respectively, become available. In the case of other classes there has been no shortage of qualified candidates.

SUBSTITUTION OF HORTICULTURAL CROPS TO EXISTING FIELD CROPS.

79. ***Sardar Sant Singh** : Will Government please state what action has so far been taken on the recommendation of the Royal Commission on Agriculture to the effect that "Wherever favourable markets can be developed, the substitution in part or in whole of the horticultural crops to the existing field crops would materially advance the prosperity of the cultivator" ?

Mr. G. S. Bajpai : The recommendations made by the Royal Commission on Agriculture in India in Chapter XVII of their report for the development of horticulture mainly concerned Local Governments and Administrations. The action taken by the Local Governments and Administrations up to the end of 1930 will be found in Part II of the First and Second Reports showing the progress made in giving effect to the recommendations of the Royal Commission. Copies of the reports are available in the Library of the House.

ENCOURAGEMENT OF FRUIT-FARMING.

80. ***Sardar Sant Singh** : Will Government kindly state what steps have been taken to encourage fruit-farming ?

Mr. G. S. Bajpai : The encouragement of fruit-farming concerns Local Governments primarily, and, for an account of the steps which they have so far taken, I would refer the Honourable Member to the Annual Reports on the working of the Provincial Departments of Agriculture. The Imperial Council of Agricultural Research is, however, also interested. It has received fruit-farming schemes from most of the provinces and has referred them for examination by its Fruits Sub-Committee and Advisory Board. The scheme, received from Assam, has been referred back to the Local Government for reconsideration ; other schemes will be submitted to the Governing Body of the Council at the meeting which it is to hold in October of this year. So far as the Government of India is concerned I would add that there is an excellent farm at Quetta, which is doing good work for the improvement of fruit-farming in Baluchistan.

Dr. Ziauddin Ahmad : Has the Council of Agricultural Research considered the possibility of having fruit gardens in Government forests and on canal beds ?

Mr. G. S. Bajpai : I do not know that that particular point has been considered by the Council of Agricultural Research. If the Honourable Member wishes to pursue it, I am quite prepared to make inquiries.

ENCOURAGEMENT OF FRUIT-FARMING.

81. ***Sardar Sant Singh** : (a) Are Government aware that pioneer work in fruit-farming at great expense and sacrifice is being carried on by some members of the association known as Lyallpur Fruit Growers' ?

Association, Limited, Lyallpur, Bandrol Orchard of Kulu, Godrej Farm in Bombay and several orange planters in Assam, Bengal, Nagpur and the mango planters on the west coast of Bombay and Madras ?

(b) Are Government prepared to undertake an inquiry as to how practical assistance can be provided in marketing the Indian fruits in India and foreign countries on the lines in which the Empire Marketing Board is acting ?

Mr. G. S. Bajpai : (a) The Government of India are aware of the work being done.

(b) The Imperial Council of Agricultural Research have already initiated enquiries on the lines suggested by the Honourable Member.

EXPORT OF INDIAN FRUITS TO ENGLAND.

82. ***Sardar Sant Singh :** Have Government made any enquiries as to whether the British market offers a profitable field for most of the Indian fruits ? If so, what steps do Government propose to take in order to encourage the export of Indian fruits to England ?

Mr. G. S. Bajpai : The British market offers possibilities for the opening up of an export trade in certain Indian fruits, for instance, mangoes, trials in the export and marketing of which have been made with satisfactory results. The Imperial Council of Agricultural Research have worked out a scheme of research into problems connected with the export of this fruit ; the scheme has been approved by the Advisory Board of the Council and will be submitted to the Governing Body for consideration in October. It is hoped that it may be found possible to apply the scheme to other fruits also, *e.g.*, oranges.

Sardar Sant Singh : May I know if the scheme when approved will be presented to this House as well ?

Mr. G. S. Bajpai : I do not really know that it is necessary to present the scheme to the House : the scheme will be published and will be available in the columns of the press to Honourable Members just as much as to members of the public.

EXPORT OF FRUITS TO FOREIGN COUNTRIES.

83. ***Sardar Sant Singh :** (a) Do Government propose to consider the question of a reasonable reduction in Railway freight from the Punjab to the various ports of India, so that the fruit growers may be able to compete with the other countries in exporting their fruits to foreign lands ?

(b) Are Government aware that transport charges for fruits are much lower in California, Florida, Brazil and South Africa than in India ?

Mr. P. R. Rau : (a) There is no such proposal at present under consideration. Government have no reason to believe that the existing rates are unduly high. The Honourable Member is no doubt aware that fresh fruit is at present carried generally at half parcel rates. If, however, he has any special suggestions to make, I would suggest his placing himself in communication with the Railway Administrations concerned.

(b) Government have no information.

Dr. Ziauddin Ahmad : Will the railway administration carry on the instruction of the Railway Board, because our experience is just the reverse ?

Mr. P. E. Rau : My experience is different.

DEVELOPMENT AND PRESERVATION OF FRUITS.

84. *Sardar Sant Singh : Have the Imperial Agricultural Research Council received any scheme for the development and preservation of fruits ? If so, what steps have been taken to give effect to those schemes ?

Mr. G. S. Bajpai : Yes ; schemes have been received from the Governments of Madras, Bombay, Bengal, United Provinces, Punjab, Bihar and Orissa, and Assam, and have been examined by a Fruit Sub-Committee and by the Advisory Board of the Imperial Council of Agricultural Research. As I have already stated, the recommendations of the Advisory Board in regard to these schemes will be submitted to the Governing Body of the Council for orders at its meeting in October, 1932.

PAYMENTS MADE TO MAULANA SHAUKAT ALI FROM GOVERNMENT TREASURIES.

85. *Sardar Sant Singh : (a) Will Government kindly state whether any payments have been made to M. Shaukat Ali from the Treasury of the Central Government since the death of his brother M. Muhammad Ali ?

(b) If so, what amounts have been paid and from what fund ?

The Honourable Mr. H. G. Haig : (a) No such payments have been made.

(b) Does not arise.

Mr. Lalchand Navalrai : May I know whether all this work which Maulana Shaukat Ali does is gratis and gratuitous ?

The Honourable Mr. H. G. Haig : The question was whether any payments had been made to Maulana Shaukat Ali from the treasury of the Central Government. The answer is no.

Mr. Lalchand Navalrai : Then this further question arises : has he been doing this work gratuitously ?

The Honourable Mr. H. G. Haig : I do not know what the Honourable Member means by gratuitously. I thought the answer that I gave to the question was a perfectly plain and unmistakable one.

Mr. Lalchand Navalrai : If the Government of India have not given any money, have the Bombay Government or any other Government given any help to him ?

The Honourable Mr. H. G. Haig : No.

EXPENDITURE INCURRED BY GOVERNMENT TO PREVENT THE HOLDING OF THE INDIAN NATIONAL CONGRESS IN DELHI.

86. *Sardar Sant Singh : (a) What was the actual cost to the Government of India on the measures taken to prevent the holding of the annual session of the Indian National Congress at Dehli, and from what funds were these expenses met ?

(b) How much extra police, including C. I. D., was imported into Delhi during those days and from what Provinces? What was the cost of this police to the Government of India?

(c) Is it a fact that the police during the days when the Congress was held were entertained with sweets and *puries*? If so, from what fund were these expenses met?

The Honourable Mr. H. G. Haig : (a) Rs. 1,478-8-0 which was found from savings in the budget of the Delhi Police.

(b) A small force of roughly 70 men was drafted from other provinces into Delhi for a few days. No expense to the Government of India was involved.

(c) No. The members of the force on duty were given an extra allowance of eight annas a day from which arrangements were made for their messing. The expenditure on this account is included in the sum mentioned in my reply to part (a) of the question.

Sardar Sant Singh : May I know in answer to part (c) of the question, has the attention of the Honourable Member been drawn to the fact that *laddus* and *puris* were distributed to the men in camp? I saw it myself.

The Honourable Mr. H. G. Haig : That was possibly found from the allowance of eight annas a day which I have already mentioned.

Sardar Sant Singh : Was the allowance made in cash or in kind in sweets?

The Honourable Mr. H. G. Haig : That I cannot say.

ARRESTS AND PROSECUTION OF PERSONS IN CONNECTION WITH THE SESSION OF THE INDIAN NATIONAL CONGRESS IN DELHI.

87. ***Sardar Sant Singh :** (a) How many persons were actually arrested in connection with the holding of the annual session of the Indian National Congress at Delhi from 20th to 28th April? How many of the arrested persons belonged to Delhi and how many from Madras, Bombay, Bihar, Bengal, United Provinces, Punjab, North-West Frontier Province, and Central Provinces?

(b) How many persons were actually turned back from the various railway stations and the roads leading to Delhi in those days?

(c) Will Government kindly state the number of persons actually prosecuted for various offences under the Ordinances out of the arrested persons? How many of the arrested persons were released without any trial and after what period of detention?

The Honourable Mr. H. G. Haig : (a) 37 from Madras, 48 from Bombay, 80 from Bengal, 150 from the United Provinces, 171 from the Punjab, 40 from Bihar and Orissa, 19 from the Central Provinces, 5 from the North-West Frontier Province, 42 from Delhi and 38 from various States, making a total of 630.

(b) It is not possible to obtain this information.

(c) 115 persons were tried and convicted in the Delhi Province. The remainder were released within a fortnight.

ARRESTS AND DISPERSAL OF PERSONS ATTENDING THE INDIAN NATIONAL CONGRESS IN DELHI.

88. ***Sardar Sant Singh** : (a) Is it a fact that on the 24th April arrests were made in connection with the annual session of the Indian National Congress without using any violence up to 2 P.M. of that day and that no resistance was offered by the Congressmen when they were arrested ?

(b) Is it a fact that after 4 P.M. arrests were not made and force was used to disperse those who cried Congress slogans ? Is it also a fact that during those dispersals several persons were injured seriously ? If so, what was their number and what were the injuries received by each ? Why did the police stop arrests and use violence instead ?

The Honourable Mr. H. G. Haig : (a) & (b). I invite attention to my reply to Mr. Gaya Prasad Singh's question No. 39. I may add that no person was seriously injured on this occasion.

Sardar Sant Singh : Is the Honourable Member aware that force was actually used in the case of four volunteers and also probably one lady who were carrying Congress flags when they were in Chandni Chowk ?

The Honourable Mr. H. G. Haig : I cannot pretend to be acquainted with every incident that occurred on a rather crowded day.

POSTERS IN CONNECTION WITH THE HOLDING OF THE INDIAN NATIONAL CONGRESS IN DELHI.

89. ***Sardar Sant Singh** : Is it a fact that the posters headed "Plots for sale", which were issued by the Congress, containing the whole programme and the place for holding the Congress session were pasted in the principal streets of Delhi and did the police take any precautions to prevent the holding of the session of the Indian National Congress ?

The Honourable Mr. H. G. Haig : No. The attempt to hold the session of the Congress was prevented.

LINE-ESTABLISHMENT IN TELEGRAPH ENGINEERING BRANCH OF THE PUNJAB CIRCLE.

90. ***Sardar Sant Singh** (on behalf of Sirdar Harbans Singh Brar) : (a) Will Government please lay on the table a statement showing the composition of various appointments of Line-establishment in the Telegraph Engineering Branch of the Punjab Circle, by communities ?

(b) Are Government aware of the predominance of one community in the appointments of Line Inspectors and Sub-Inspectors in the Punjab ?

(c) Will Government please state what steps they have taken to adjust this communal inequality in those branches of the service ?

(d) Are Government prepared to consider the advisability of issuing administrative instructions to adjust this inequality ?

(e) Will Government please state the procedure and principle on which promotions of Line Inspectors and Sub-Inspectors are based ?

(f) If the answer to part (e) be that promotion is by selection, will Government please state whether there is any competitive examination open to those in the lower appointments ?

(g) Will Government please state what is the standard of education and the other technical qualifications required for promotion to those appointments ?

The Honourable Sir Frank Noyce : (a) A statement is laid on the table.

(b) Yes.

(c) and (d). The Honourable Member is referred to the reply given by the Honourable Sir Joseph Bhole to Sardar Sant Singh's starred question No. 731 asked in the Legislative Assembly on the 9th March, 1932.

(e), (f) and (g). I lay on the table an extract from the relevant rules in the Posts and Telegraphs Manual, Volume IV, which furnishes the information asked for.

Statement showing the communal composition of the Line-establishment in the Telegraph Engineering Branch of the Punjab Circle.

			Hindus.	Maho- medans.	Sikhs.	Other commu- nities.	Total.
Line Inspectors	..	..	8	8	..	..	8
Sub-Inspectors	..	..	41	72	11	..	124
Linemen	..	..	322	474	31	..	827
Total	..	..	363	554	42	..	959

Extract from the Posts and Telegraphs Manual, Volume IV.

LINE INSPECTORS.

460. *Recruitment.*—Vacancies in the grade of Line Inspectors within the scale sanctioned for the Circle are filled by Heads of Circles from the grade of Sub-Inspectors. Promotion to the former grade is made strictly by selection. Specially competent men from the grade of Sub-Inspectors, who are able to read and write English freely, to mark out telegraph and telephone lines, to carry out ordinary construction work including the laying (but not jointing) of armoured underground cables and to prepare estimates for small construction works in English will be eligible for promotion to this grade. As soon as a Sub-Inspector is promoted accordingly to the grade of Line Inspectors, a certificate about his competency in all these respects should be recorded and attached to his Character Sheet for ready reference. In very exceptional cases Heads of Circles may relax the condition regarding ability to read and write English freely but ability to keep Muster Rolls and Store accounts in English is essential.

461. If the Head of a Circle has any difficulty in finding men qualified to fill the posts of Line Inspectors, endeavours should be made to obtain suitable men from other Circles.

* * * * *

SUB-INSPECTORS.

463. *Recruitment.*—Vacancies in the grade of Sub-Inspector within the scale sanctioned for the Division should be filled by Divisional Engineers from the grade of linemen on the following principles :

- (1) Two-thirds in the order of seniority subject to the rejection of the unfit ; and

(2) One-third by strict selection without regard to seniority, seniority only being taken into consideration when other qualifications are practically equal.

All promotions by selection should be reported to the Heads of Circles by the Divisional Engineers concerned with brief grounds in support of the action taken. The men so selected should be on probation for one year. Before their confirmation, the Divisional Engineer should satisfy himself personally that the selected men are thoroughly efficient in every respect. No linemen should, as a rule, be promoted to the grade of Sub-Inspector unless he is able to read and write in his vernacular and preference should be given to a lineman who possesses an elementary knowledge of English. As soon as a lineman is promoted to the grade of Sub-Inspector a certificate about his competency in all these respects should be recorded and attached to his character sheet for ready reference.

164. *Efficiency bar*.—No Sub-Inspector will be allowed to cross the efficiency bar without the orders of the Divisional Engineer concerned.

165. The following are the qualifications for Sub-Inspectors without which (except in very special circumstances which must be fully explained in the order) no man can be allowed to pass the bar :—

- (i) To be able to erect posts straight on a previously marked line.
- (ii) To erect wires level.
- (iii) To make joints and generally to carry out all minor works of construction.
- (iv) To be able to write their own cash accounts and travelling journals in English or in their vernacular.

NOTE.—Preparation of bills and accounts in English should be encouraged.

PENSIONERS ON RS. 125 PER MENSEM AND BELOW.

91. ***Rao Bahadur M. C. Rajah** : Will Government be pleased to lay on the table a statement of the total number of pensioners on Rs. 125 *per mensem* and below in each Province and the average yearly cost incurred for their disbursement by the Government of India ?

The Honourable Sir Alan Parsons : I regret that I cannot undertake to make the very laborious inquiries which the collection of these statistics would entail.

CONVERSION OF MONTHLY PENSIONS INTO GRATUITIES.

92. ***Rao Bahadur M. C. Rajah** : Will Government be pleased to call for and lay on the table all the schemes under consideration by the Government of India for the conversion of monthly pensions into gratuities ?

The Honourable Sir Alan Parsons : The Government of India have recently consulted the Provincial Governments on a scheme for substituting provident funds for pension, but have not yet received their replies. I will consider, when the replies have been received, whether papers can be laid on the table.

CO-ORDINATION OF RAILWAY *versus* BUS TRANSPORT SYSTEM.

93. ***Rao Bahadur M. C. Rajah** : Will the Government of India be pleased to call for and lay on the table a statement of progress achieved during the past five years, between 1927 and 1932, on the profitable co-ordination of Railway *versus* Bus Transport System ?

Mr. P. R. Rau : Endeavours for co-ordinating railway and road transport services, other than services which Railways maintain between certain stations and out-agencies which it is presumed the Honourable Member

does not refer to, have been made only within the last one or two years on the following Railways, to the extent indicated in each case :

Bengal Nagpur Railway.—Rail-cum-bus monthly season tickets were introduced on the 1st July, 1929, in conjunction with the Calcutta Tramways Company, but the arrangement was discontinued as only 24 tickets were sold during nine months.

Burma Railways.—Between Kyaukpadaung, Chauk and Yenangyaung. The arrangement had effect only from November, 1931, it is too early to judge whether it is likely to be profitable.

Great Indian Peninsula Railway.—Between Talegaon and certain places about 50 miles in the interior. Between the 15th September, 1931, and 30th April, 1932, the number of passengers booked between Talegaon and Bombay increased by 57,993 and the earnings increased by Rs. 68,877. The weight of parcels carried increased by 14,252 maunds and the earnings on parcels increased by Rs. 12,185. There is no case of similar co-ordination on the Bombay, Baroda and Central India, Eastern Bengal, North Western and Rohilkund and Kumaon Railways.

I have asked the Agents of the Assam Bengal, East Indian, Madras and Southern Mahratta and South Indian Railways for the information required by the Honourable Member, and if there is any case of co-ordination between railway and road transport services on these lines, I shall lay on the table of the House such information as is available.

Lieut.-Colonel Sir Henry Gidney : Will the Honourable Member inform this House whether it is a fact or not that Railways are losing a lot of money by the delay in introducing the co-ordinated motor transport service ?

Mr. P. R. Rau : Will the Honourable Member kindly repeat his question ? I could not hear him.

Lieut.-Colonel Sir Henry Gidney : Will the Honourable Member inform this House whether it is a fact or not a fact that the Railways are losing a lot of money by not introducing a co-ordinated motor bus transport service ?

Mr. P. R. Rau : It is possible, Sir ; but, as a matter of fact, the Railways have not the power under the present Act to have motor services of their own, and it is to remedy that defect that a Bill has been introduced in this House this session.

Lieut.-Colonel Sir Henry Gidney : Is the Honourable Member aware of the fact that the Hyderabad State has already in operation a complete bus service working in co-ordination with its railway system ?

Mr. P. R. Rau : No, Sir.

Lieut.-Colonel Sir Henry Gidney : Will the Honourable Member consider the desirability of the early introduction of such system on State Railways ?

Mr. P. R. Rau : The question is under consideration.

Dr. Ziauddin Ahmad : Is it not a fact, Sir, that similar attempts were made by the Rohilkund and Kumaon Railway to introduce such service

between Kathgodam and Brewery and they could not keep up that arrangement ?

Mr. P. R. Rau : I am not aware of that fact. I should like to have notice of that.

Dr. Ziauddin Ahmad : They had a service, but it failed.

FAIRS AND FESTIVAL CENTRES WITHOUT RAILWAY CONNECTION.

94. ***Rao Bahadur M. C. Rajah :** Will the Government of India be pleased to call for and lay on the table (a) a statement of non-railway fairs and festival centres indicating the floating pilgrim population daily resorting to each of them for worship ; (b) the total mileage of metalled and non-metalled roads on which our Railway companies can run a bus and lorry service of their own in Madras and in other Provinces, and (c) the total number of war reserve six-wheeler lorries and buses available from the Military Department for all Railway companies running a bus and lorry service of their own ?

Mr. P. R. Rau : (a) The information is not available and cannot be obtained without undue difficulty.

(b) Railway Companies have not investigated the possibility of running bus and lorry services of their own, as they have at present no power to run such services.

(c) Does not arise.

DEPRESSED CLASSES AND THE TERM " MINORITY COMMUNITIES."

95. ***Rao Bahadur M. C. Rajah :** (a) Will Government be pleased to state (i) the exact connotation of the term " minority communities " in various Departments of the public services of the Government of India ; (ii) how far the communal proportion has been kept up for safeguarding the interests of all minority communities in various retrenchment schemes of the Government of India ?

(b) Is it a fact that the Depressed Classes are not included by the Government of India in the term " minority communities " and are thus rendered ineligible for concessions which other minority communities enjoy ? If so, will Government be pleased to state the reasons ?

(c) Will the Government of India be pleased to state the total number and names of all Depressed Classes Government servants retained by the Government of India on 1st January, 1932, and retrenched subsequently ?

(d) Will the Government of India be pleased to state whether there is any member of the Depressed Classes in the various Departments of the Government of India ? If none, whether they are prepared to consider the question of re-entertaining the few retrenched Government servants belonging to the Depressed Classes ?

(e) Will Government be pleased to state if it is not a fact that the Depressed Classes have been included in the term " minority communities " by His Majesty's Government in the Round Table Conference ?

(f) Are Government prepared to have urgent instructions issued to the Public Service Commission and the various Departments of the Gov-

ernment of India for including Depressed Classes as one of the units of minority communities and for according to them concessions in the various Departments of Government service, which are given to other " minority communities " ?

The Honourable Mr. H. G. Haig : (a) (i) and (b). Government have not defined the term ' minority community ' in its application to recruitment for the services.

(ii) In effecting retrenchment Government endeavour as far as practicable to maintain the ratio between the various communities which existed prior to retrenchment. I hope shortly to be in a position to let the House have figures showing the effect of retrenchment on the communal composition of the services.

(c) and (d). I regret that the information is not in my possession.

(e) The answer is in the negative.

(f) I would refer to my reply to parts (a) (i) and (b).

Dr. Ziauddin Ahmad : With reference to the answer to part (b) of the question, I should like to know either from the Honourable the Home Member or from somebody else whether the Depressed Classes are included among the Hindus or the Minority communities ? They cannot be included in both.

The Honourable Mr. H. G. Haig : Is the question asked with reference to part (b) ?

Dr. Ziauddin Ahmad : Yes, Sir. The Depressed Classes wanted to be included among minority classes ; so they should be included either among the Hindus or the minority communities ?

The Honourable Mr. H. G. Haig : Is the Honourable Member referring to the larger question or to the question which we are discussing here about recruitment to the services ?

Dr. Ziauddin Ahmad : I want to know whether the Depressed Classes are included among Hindus or among the minority communities ?

The Honourable Mr. H. G. Haig : That raises a much wider question than the one which has been raised in the reply here.

Dr. Ziauddin Ahmad : They should be included either in one or the other, but not in both. It is for the Depressed Classes to decide.

Mr. K. C. Neogy : Is it not a fact, Sir, that to the Minorities Pact which was signed recently in England the Depressed Classes did actually form one of the parties with the consent of the Moslem members of the Round Table Conference ?

The Honourable Mr. H. G. Haig : The Depressed Classes, as far as I know, were certainly one of the parties to the Minorities Pact.

Dr. Ziauddin Ahmad : Can it not be concluded then that they cease to be Hindus ?

The Honourable Mr. H. G. Haig : I would refer Honourable Members to the provisions in paragraph 9 of His Majesty's Government's communal decision from which they can draw their own conclusions.

CLASSIFICATION OF LADY POLITICAL PRISONERS.

96. ***Mr. S. C. Mitra** (on behalf of Mr. A. Das) : Has the attention of Government been drawn to a letter which appeared in the *Leader* of 21st June, 1932, about the classification of lady political prisoners ?

The Honourable Mr. H. G. Haig : Government have seen the letter referred to by the Honourable Member.

MALTREATMENT OF POLITICAL UNDERTRIAL PRISONERS WHILE IN POLICE CUSTODY.

97. ***Mr. Bhuput Sing** : (a) Has the attention of Government been drawn to the serious allegations made from time to time in the Indian Press regarding the maltreatment of political undertrial prisoners by the police while in their custody ?

(b) Has the attention of Government been drawn to the statement regarding the tragic death of Anil Kumar Das, M.Sc., in Dacca jail, and also of the alleged serious assault by the police on Phanindra Das at Midnapur while they were under police custody ?

(c) If so, do Government propose to instruct all the Local Governments that undertrial prisoners should be kept under jail custody and not under police custody ? If not, why not ?

The Honourable Mr. H. G. Haig : (a) I have seen allegations made in the press regarding the two cases referred to in (b).

(b) A statement issued by the District Magistrate of Dacca regarding the death of Anil Kumar Das shows that the deceased was not maltreated in any way while in police custody, and that the allegation that he was beaten is entirely false. As regards Phanindra Nath Das, I have seen a newspaper report of the finding of the Additional District Magistrate, who dismissed the complaint on the ground that no case had been made out.

(c) The matter is provided for by section 167 of the Criminal Procedure Code, and the Government of India see no reason to issue any instructions.

Mr. K. C. Neogy : Arising out of the Honourable Member's answer to the last clause, may I draw his attention, unless he has already seen it, to a judgment which was recently delivered by the District Judge of Dacca in which he found that illegalities of a serious character were being perpetrated by the police and the jail authorities and that they were acting in direct contravention of the Criminal Procedure Code so far as the undertrial prisoners were concerned ?

The Honourable Mr. H. G. Haig : I have not seen or heard of that judgment, but I think that the Government of Bengal have full power to deal with any irregularities that may be established.

Mr. K. C. Neogy : Will the Honourable Member be pleased to accept a copy of the judgment as a humble present from me in token of the high regard which I have for him ?

The Honourable Mr. H. G. Haig : I shall be most happy to receive it.

Mr. K. C. Neogy : May I request my Honourable friend to go through the copy of the judgment which I have just sent over.....

The Honourable Mr. H. G. Haig : Not at the moment I hope.

Mr. K. C. Neogy : Oh, no. Not at the moment. And will he make an enquiry into the statements which have been made by the District Judge of Dacca after proper investigation and make a statement before this House ?

The Honourable Mr. H. G. Haig : I am afraid I cannot undertake to take any action until I have perused the judgment.

Mr. K. C. Neogy : I did not expect my Honourable friend to make a statement before going through the judgment. What I stated was, will the Honourable Member be pleased to make an enquiry into the statements which have been made by the District Judge of Dacca and then make a statement before this House ?

The Honourable Mr. H. G. Haig : But my Honourable friend is inviting me to take certain action before I have seen the judgment and that is what I was explaining I could not do.

Mr. K. C. Neogy : With regard to one of the accused specifically mentioned in clause (b) of the question, namely, the case of Anil Kumar Das, has the Honourable Member seen a letter which was addressed by a Member of the Council of State to the Home Secretary giving details of this particular case ?

The Honourable Mr. H. G. Haig : I think I remember a communication, but I do not remember the details of it.

Mr. K. C. Neogy : What action was taken by the Government on receipt of that letter ?

The Honourable Mr. H. G. Haig : If it is the letter which I have in mind, a reply was sent to the Honourable Member.

Mr. K. C. Neogy : I know that, but what action was taken on receipt of that letter by way of an enquiry into the allegations made therein ?

The Honourable Mr. H. G. Haig : It does not appear to me that any enquiry is necessary in view of the decision of the Additional District Magistrate.

Mr. K. C. Neogy : As the Honourable Member relies upon the decision of the District Magistrate in this particular case, will the Honourable Member be pleased to make enquiries and find out as to what evidence there was before the District Magistrate to justify the conclusion which he had drawn ?

The Honourable Mr. H. G. Haig : No. I think that such action would be interfering with the reasonable discretion of the Government of Bengal whose responsibility it is.

Mr. K. C. Neogy : Is it not a fact that at one particular stage this particular undertrial prisoner, when produced before the Sub-Divisional Magistrate, did actually complain of having been assaulted while in custody, and if so, what enquiry was made by any executive official into that particular allegation ?

The Honourable Mr. H. G. Haig : I am not fully acquainted with the circumstances of the case.

Mr. K. C. Neogy : Will the Honourable Member be pleased to reply to this and similar other questions if proper notice is given to him ?

The Honourable Mr. H. G. Haig : As I say, I think this is a matter which primarily concerns the Government of Bengal.

Sardar Sant Singh : Does the Honourable Member know that the executive authority and judicial authority are combined in one man so far, and the result is that the Magistrate in the trial Court is under the influence of the police and he never takes any action into allegations made against the police ?

The Honourable Mr. H. G. Haig : No. I cannot agree that that is a fair description of the present system.

Sardar Sant Singh : Will the Honourable Member make an enquiry into the fact and say whether what I am stating is the truth, coming as it does from a man who has had 25 years' experience in criminal courts ?

The Honourable Mr. H. G. Haig : I too have had some experience of criminal courts.

Mr. K. C. Neogy : Is the Honourable Member aware that in Bengal the police authorities have got considerable control over the jail administration at the present moment ?

The Honourable Mr. H. G. Haig : I do not think that arises.

Mr. K. C. Neogy : It does arise in this way, because this particular undertrial prisoner was supposed to be in jail custody at one stage and he was maltreated by the police even when he was there.

The Honourable Mr. H. G. Haig : Well, that is the Honourable Member's allegation, but it is not admitted by the authorities who have enquired.

Mr. K. C. Neogy : I quite see, but will the Honourable Member find out whether it is not a fact that, although definite orders were passed by the Magistrate who was in proper seisin of the case regarding interviews to be allowed to lawyers of undertrial prisoners, and in disregard of the provisions of the law, the police authorities actually prohibited any kind of interviews with the prisoners ?

The Honourable Mr. H. G. Haig : No. I do not propose to make any further enquiries into a matter which has already been fully investigated under the authority of the Government of Bengal.

Mr. K. C. Neogy : Supposing the Honourable Member finds this very statement made by the Judge in the judgment which I have just handed over to him, is the Honourable Member prepared, as a Member of the Government of India which is charged with the supervision and control of the Provincial Governments, to make an enquiry into this very serious state of affairs ?

The Honourable Mr. H. G. Haig : I am not.

**DEATH OF MRINAL KANTI ROY CHOUDHURY, A DETENU IN THE DEOLI
DETENTION CAMP.**

98. ***Mr. Bhuput Sing :** Are Government aware of the strong public feeling owing to the mysterious death of Mrinal Kanti Roy Choudhury, detenu in the Deoli Camp ? If not, do Government propose to enquire about it ?

The Honourable Mr. H. G. Haig : No. An inquest was duly held in the case and no further action is proposed.

**ARRESTS AND CONVICTIONS IN CONNECTION WITH THE CIVIL DISOBEDIENCE
MOVEMENT.**

99. ***Mr. Bhuput Sing :** Will Government be pleased to state :

- (a) what is the total number of arrests and convictions that have been made in connection with the civil disobedience movement from January to June, 1932, in India ;
- (b) what the present number of civil disobedience prisoners is in the various jails of India ; what the number of women is among them ;
- (c) what the approximate amount of costs per month incurred by Government are for keeping them in gaols ;
- (d) how many of them have been placed in ' A ', ' B ' and ' C ' classes, respectively, and what the difference is between these three classes ;
- (e) how many special jails have been created to accommodate these persons and at what places ;
- (f) whether any special instructions have been issued to give proper treatment to these prisoners ; if not, why not ; and
- (g) whether it is a fact that many notorious criminals have been set free before the expiry of their sentences and whether Government are aware that due to such releases crimes are greatly on the increase ; if not, whether Government propose to enquire about it ?

The Honourable Mr. H. G. Haig : (a) The number convicted up to the 30th June was 52,136, I regret I have no information as to arrests.

(b) The number in jail on the 31st July, the latest date for which figures are available, was 24,732. Of these 1,030 were women.

(c) The Annual Administration Reports published by Local Governments furnish detailed information regarding the cost incurred on keeping prisoners.

(d) Information is only available regarding the number of persons undergoing sentences of imprisonment on the 30th April, 1932. On that date, out of a total of 32,516 prisoners convicted of offences committed in connection with the Civil Disobedience Movement, 196 had been placed in Class A, 1,536 in Class B and the remainder in Class C.

As regards the second part of this question, the information will be found in the communiqué issued by the Government of India on the 19th February, 1930.

(e) The opening of special jails is a matter for Local Governments and the Government of India have no information.

(f) No special instructions, as far as I am aware, have been issued about their treatment, or are required.

(g) Well behaved prisoners who have served a considerable portion of their sentence are sometimes released before its expiry. Such action is entirely within the competence of Local Governments, and I have no reason to suppose that dangerous criminals have been released or that the releases have been attended by the consequences mentioned by the Honourable Member.

NEW CONSTITUTION FOR INDIA.

100. ***Mr. Bhuput Sing :** Will Government be pleased to state :

(a) the time by which the new constitution is to be given to India ;
and

(b) whether it is intended to give provincial autonomy with central responsibility or the latter is to follow subsequently ?

The Honourable Sir C. P. Ramaswami Aiyar : (a) It is not possible to say at present by what date the new constitution will be introduced.

(b) The Honourable Member is referred to the statements made by the Secretary of State on the 27th June, 1932, and by His Excellency the Governor General before this House on the 5th September, 1932.

RELEASE OF CONGRESS LEADERS TO ENABLE THEM TO STAND FOR ELECTION TO CENTRAL AND PROVINCIAL LEGISLATURES.

101. ***Mr. Bhuput Sing :** (a) Do Government propose to release the Congress leaders before the introduction of the new constitution to enable them to stand for election as members of the Central and the Provincial Legislatures ? If not, why not ?

(b) Do Government propose to lay on the table the correspondence between the Government of India and the Secretary of State on the subject of the release of political prisoners ?

The Honourable Mr. H. G. Haig : (a) On the general question of the attitude of the Government towards the Congress leaders, I cannot do better than quote the remarks made by the Secretary of State in the House of Commons on the 20th April last. The Secretary of State said :

“ There clearly cannot be any question of co-operation with anyone associated with civil disobedience. If Mr. Gandhi shows a disposition to restore the relations which existed at the Round Table Conference, he will not find the slightest difficulty in conveying that fact to the Government without any intermediary. The Government will consider the position thus created, but one thing is quite clear that there will be no question of making a bargain with Congress as a condition of its co-operation.”

(b) There has been no such correspondence.

RELEASE OF PANDIT JAWAHAR LAL NEHRU.

102. ***Mr. Bhuput Sing :** Will Government be pleased to state whether they have advised the United Provinces Government to release Pandit Jawahar Lal Nehru in view of the present condition of his health ?

The Honourable Mr. H. G. Haig : No, Sir.

BOMBAY RIOTS.

103. ***Mr. Bhuput Sing :** Will Government be pleased to state whether they have ascertained the direct and indirect causes that led to the recent Bombay riots ? If so, will Government be pleased to state the same ?

The Honourable Mr. H. G. Haig : I would refer the Honourable Member to the answer to Mr. Gaya Prasad Singh's question No. 73 of to-day's date.

DIMINISHED REVENUE RETURNS AND RAISING OF THE RATE OF EXCISE ON SALT.

104. ***Mr. G. Morgan :** (a) Has there been a heavy drop in imports and customs revenue and have Government considered the question of reducing, or taking off, the duty on any imported articles ?

(b) Are Government prepared to reduce or take off the duty on certain specified articles in order to test whether the amount of the duty, or reduced purchasing power, is the cause of the decrease in imports ?

(c) Are Government considering the raising of the rate of excise on salt ?

The Honourable Sir Alan Parsons : (a), (b) and (c). Comparing figures for the first four months of the current year with those for the corresponding period of last year there has been an improvement both in the value of merchandise imported and in the amount of duty collected. The Government of India naturally keep a very close watch upon the customs revenue returns. But I regret I am unable to give any indication to the Honourable Member as to the action they may contemplate taking in future.

Dr. Ziauddin Ahmad : Has the volume of the trade also increased ?

The Honourable Sir Alan Parsons : As I explained, there has been an improvement both in the value of the merchandise and the amount of duty collected. I think there has also been an increase in the volume taken as a whole, but I cannot be certain as I did not look up the figures before I replied to this question.

DISCHARGE OF ORDINARY CRIMINALS TO MAKE ROOM FOR POLITICAL PRISONERS.

105. ***Mr. Lalchand Navarai :** (a) Will Government be pleased to state if in order to make room for political prisoners they discharged ordinary criminals ?

(b) If so, was this action of discharging convicted criminals under any law ; if so, which ?

(c) Will Government be pleased to state how many prisoners convicted of crimes were discharged from prisons during this year in India ? Is it a fact that the prisoners so discharged were undergoing sentences for graver crimes such as murder, dacoity, rape and like offences ; if not, for what offences ?

The Honourable Mr. H. G. Haig : (a) It is a not uncommon incident of Jail administration in India that when the pressure on the accommodation available is great, well-behaved prisoners who have served a substantial portion of their sentences are selected for release by the Local Governments concerned.

In the majority of provinces revising boards have been constituted for the purpose of reviewing the long term sentences as recommended in paragraph 452 of the Jail Committee's Report.

(b) This action is taken under the provisions of section 401 of the Criminal Procedure Code.

(c) The Government of India have no information. The action described in part (a) of this question is entirely within the competence of Local Governments.

Mr. Lalchand Navalrai : Is there any jail rule which allows room to be made for political prisoners and for that purpose to release other criminal prisoners ?

The Honourable Mr. H. G. Haig : There is no rule. I was explaining that there is a well understood practice.

Mr. Lalchand Navalrai : Does the Honourable Member see that section 401 does not allow the Government to discharge prisoners for the purpose of making room for political prisoners ?

The Honourable Mr. H. G. Haig : I do not think that the action that may be taken by the Local Governments under section 401 of the Criminal Procedure Code is in any way restricted.

REPRESSIVE MEASURES AND *Lathi* CHARGES, ETC.

106. ***Mr. Lalchand Navalrai :** Will Government be pleased to state how long they propose to continue the present repressive measures, lathi charges and other extraordinary methods and sending parents to jail for non-payment of fines by their sons and daughters ?

The Honourable Mr. H. G. Haig : I am unable to foresee how long special measures to deal with the present movement will be necessary. If by the terms of his question the Honourable Member means to imply that the policy of Government is to use undue force, I must strongly repudiate the suggestion.

Mr. Lalchand Navalrai : Does the Honourable Member see that carrying on repressive measures instead of conciliatory measures react upon the Government ?

The Honourable Mr. H. G. Haig : The Government are taking action with reference to a definite menace, the initiative in which does not lie with them.

Mr. Lalchand Navalrai : Does the Honourable Member see that if conciliatory measures had been adopted, this situation would have been avoided ?

The Honourable Mr. H. G. Haig : When a person is being attacked, he cannot reply by conciliatory measures.

POLITICAL PRISONERS IN JAILS.

107. ***Mr. Lalchand Navalrai :** What is the total number of the political prisoners, male and female respectively, confined in prisons in India ? Will Government be pleased to state from amongst them the number of those convicted for use of violence and those convicted on account of non-violent *satyagraha* respectively ?

The Honourable Mr. H. G. Haig : I would refer the Honourable Member to the reply given by me to Mr. Das' starred question No. 42, dated the 6th September, 1932. As regards the second part of the question, I regret I have no information.

CLASSIFICATION OF POLITICAL PRISONERS.

108. ***Mr. Lalchand Navalrai :** (a) Has Government's attention been drawn to resolutions passed by the Bar Association of the High Court, Lahore, at their emergent meeting held on or about 11th May, 1932, regarding classification of political prisoners ?

(b) If so, what effect have Government given to those resolutions ?

(c) Is it a fact that the executive authorities have in several cases interfered with the recommendations of the magistrates by placing prisoners from A & B classes to class C, if so, in how many cases in each presidency and on what policy ?

(d) Is it a fact that as stated in the resolutions of the Lahore Bar Association, all civilized countries do not consider political prisoners as ordinary criminals ? If so, why has class C been created for political prisoners and criminals alike ?

(e) Is it a fact that Anglo-Indian and European prisoners convicted for bigger offences are treated much better than political prisoners ?

(f) Will Government be pleased to state what classes are given to Anglo-Indian and European prisoners in India respectively ?

(g) Will Government be pleased to give information by laying on the table a list showing how many Anglo-Indians and Europeans respectively are undergoing imprisonment in the jails in India and for what offences, and under what classes have they been placed ?

The Honourable Mr. H. G. Haig : (a) The Government of India have seen a notice of the Resolutions in the press.

(b) They have not taken action.

(c) and (d). As was explained in the communiqué issued by the Government of India on the 19th February, 1930, Local Governments confirm or revise the classification in A and B classes recommended by the Courts. The policy of Government is fully explained in the communiqué mentioned above to which I invite the Honourable Member's attention.

(e) Treatment in prison depends on the class in which the prisoner has been placed and not on racial considerations.

(f) European and Anglo-Indian prisoners in India are classified in accordance with the rules, which apply equally to Indian prisoners.

(g) The information could only be collected by detailed enquiry which in my opinion would not be justified.

Mr. K. C. Neogy : Is the Honourable Member in a position to say whether there is a single European prisoner at the present moment who has been treated as a C Class prisoner ?

The Honourable Mr. H. G. Haig : I have no information as to the particular classification.

Mr. K. C. Neogy : Or ever was since the classification was brought into operation ?

The Honourable Mr. H. G. Haig : I have not got the information.

Mr. Lalchand Navalrai : May I ask why the Government of India took no action when they came to know of this Resolution ?

The Honourable Mr. H. G. Haig : Because the matter is one which rests with Local Governments.

Mr. Lalchand Navalrai : Did the Government of India draw the attention of Local Governments to this Resolution ?

The Honourable Mr. H. G. Haig : I have not got a copy of the Resolution with me at the moment. Could the Honourable Member refresh my memory as to the exact terms of it ?

Mr. Lalchand Navalrai : Some of the terms are given in my question. I only wanted to know whether it is not the duty of the Government of India to draw the attention of Local Governments in such cases.

The Honourable Mr. H. G. Haig : On the general question, the Government of India addressed a letter last May to all Local Governments calling their attention to the general principles and inviting them to follow them carefully.

Mr. Lalchand Navalrai : Will the Honourable Member lay a copy of that letter on the table ?

The Honourable Mr. H. G. Haig : No, Sir, the letter is confidential.

Sir Cowasji Jehangir : Will the Honourable Member tell me whether there have been serious complaints that certain Local Governments have not followed out in the spirit or in the letter the principles laid down in the communication referred to by my Honourable friend ?

The Honourable Mr. H. G. Haig : It is quite true that an Association in which my Honourable friend is interested addressed the Government of India early in the year on this subject. It was in consequence of that representation that we addressed the letter I have just mentioned to all Local Governments.

Sir Cowasji Jehangir : Will my Honourable friend be able to tell the House whether they have ascertained as to what action Local Governments have taken on the statement made by the Western India Liberal Association. I have not heard of any action having been taken. Specific cases were quoted in the statement. The principles laid down by Government were also quoted, also the action taken by Local Governments. The public up to now have not heard the result of my Honourable friend's kind intervention in the matter.

The Honourable Mr. H. G. Haig : I wish to make it plain that we addressed the Local Governments merely on the question of general principle and to satisfy ourselves that there was no misunderstanding between us and Local Governments as to the general principles to be observed. So far as concerns individual cases, they are left to Local Governments to be dealt with in accordance with the general principles.

Sir Cowasji Jehangir : Then I have the Honourable Member's assurance that the Local Governments will follow the Honourable Member's instructions.

The Honourable Mr. H. G. Haig : The Local Governments all sent replies to our letter and those replies indicated that there was no misunderstanding about the general principles.

12 Noon.

CASUALTIES DURING COMMUNAL RIOTS IN BOMBAY.

109. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state the number of persons injured and killed on each day during the Bombay riots ?

(b) Has the attention of Government been drawn to the leading article in the *Tribune*, dated 25th May, 1932, stating : " The authorities do not seem to have made the most effectual use of the force that was actually available ; and the rounding up of the hooligans was attempted at a very late stage of the disorder " ?

(c) Are Government in a position to state what was the cause of the riot ?

The Honourable Mr. H. G. Haig : (a) and (c). The Honourable Member is referred to the answer to Mr. Gaya Prasad Singh's question No. 73 of today's date.

(b) I have seen the article.

Mr. Lalchand Navalrai : Will the Honourable Member please answer the second part, namely (b), of that question, more fully ? Is the statement that " the authorities do not seem to have made the most effectual use of the force that was actually available ; and the rounding up of the hooligans was attempted at a very late stage of the disorder " correct ?

The Honourable Mr. H. G. Haig : The Honourable Member's question was whether the attention of Government had been drawn to that article. My reply was that I had seen the article.

Mr. Lalchand Navalrai : I am now putting a supplementary question, namely, is the statement which I have just now quoted correct ?

The Honourable Mr. H. G. Haig : No, Sir. I think the Government of Bombay were faced with a very difficult situation and they did everything possible. With regard to the details, I would ask the Honourable Member to await the official report which I hope will be available shortly.

Mr. Lalchand Navalrai : Do I understand that that report will also bring out at what time action was taken, whether late or at the proper time ?

The Honourable Mr. H. G. Haig : I have no doubt that the report will go fully into all the details.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I lay on the table :

(i) the information promised in reply to part (b) of starred question No. 745 asked by Rao Bahadur M. C. Rajah on the 9th March, 1932 ;

(ii) the information promised in reply to unstarred question No. 132 asked by Rai Bahadur Lala Brij Kishore on the 4th March, 1932 ; and also

[Sir Frank Noyce.]

(iii) the information promised in reply to starred question No. 696 asked by Mr. Muhammad Anwar-ul-Azim on the 7th March, 1932.

NUMBER OF RECORD SORTERS AND DAFTRIES EMPLOYED IN NEW DELHI IN THE GOVERNMENT OF INDIA SECRETARIAT AND ITS ATTACHED AND SUB-ORDINATE OFFICES.

745.

Department.	Record sorters.	Daftries.
Home	4	10
Director, Intelligence Bureau	1	5
Director of Public Information .. .. .	..	3
Finance	3	10
Central Board of Revenue	1	6
Auditor General	1	6
Director of Railway Audit	1	1
Audit Officer, Indian Stores Department	1	6
Accountant General, Central Revenues	1	10
Foreign and Political	5	10
Legislative and the Local Clearing Office	3	6
Legislative Assembly	3	6
Commerce	2	8
Railway (Railway Board)	3	11
Controller of Railway Accounts	1	3
Central Standards Office for Railways	1	1
Education, Health and Lands	5	11
Director General, Indian Medical Service .. .. .	..	4
Director General of Archaeology .. .. .	..	1
Office of the Keeper of the Records	3	6
Industries and Labour	4	10
Office of the Director of Civil Aviation	1	3
Chief Engineer, Central Public Works Department .. .. .	..	16
Director General of Posts and Telegraphs	22	13
Controller of Printing and Stationery, India	1	3
Chief Controller, Indian Stores Department .. .. .	..	14
Imperial Council of Agricultural Research	1	3
Army	6	14*
Financial Adviser, Military Finance	1	5
Military Accountant General's Office	3	6
Royal Air Force, Headquarters	2	6
General Staff Branch (Army Headquarters)	2	3
Adjutant General's Branch (Army Headquarters)	4	9
Quarter Master General's Branch (Army Headquarters)	2	5
Military Secretary's Branch (Army Headquarters) .. .. .	..	2
Military Secretary to the Commander-in-Chief	1	..
Medical Directorate .. .. .	..	1
Master General of the Ordnance in India .. .. .	..	1
Engineer-in-Chief's Branch .. .. .	..	2
Total	89	240

* Including one temporary dafttry.

APPOINTMENT OF MEMBERS OF MINORITY COMMUNITIES IN THE RAILWAY MAIL SERVICE.

132. The reply to the first two parts of the question is in the affirmative. As regards the last part, the memorandum issued by the Superintendent, Railway Mail Service, 'A' Division has been cancelled.

RETRENCHMENTS IN THE GOVERNMENT OF INDIA PRESS, ALIGARH.

696. (a) and (b). Since the issue of the instructions to which the Honourable Member refers only two men holding permanent posts have been discharged from the Aligarh Press, and these were technical men employed in the power house. The Honourable Member is possibly referring to the discharge in May, 1931, of a number of men holding temporary posts or working in an officiating capacity; the instructions in question were issued subsequently, and in any case men permanently employed have a better claim to retention than men doing similar work who have no permanent appointments.

(c) There were no posts in which the men could be re-employed.

(d) There are 21 employees with at least 28 years' service. No question of retrenching these men arose.

Mr. P. B. Rau (Financial Commissioner, Railways) : Sir, I lay on the table :

- (i) the information promised in reply to unstarred question No. 249 asked by Lala Rameshwar Prasad Bagla on the 23rd March, 1932 ;
- (ii) the information promised in reply to unstarred questions Nos. 65, 66 and 67 asked by Mr. S. C. Mitra on the 16th February, 1932 ;
- (iii) the information promised in reply to part (c) of unstarred question No. 233 asked by Lala Rameshwar Prasad Bagla on the 23rd March, 1932 ;
- (iv) the information promised in reply to unstarred question No. 35 asked by Mr. S. C. Mitra on the 10th February, 1932 ;
- (v) the information promised in reply to starred questions Nos. 630 and 632 asked by Mr. Bhuput Sing on the 4th March, 1932 ; and
- (vi) the information promised in reply to unstarred question No. 295 asked by Pandit Satyendra Nath Sen on the 29th March, 1932.

GRANT OF CONCESSIONS TO CLERKS OF NORTH WESTERN RAILWAY OFFICES FOR ATTENDING OFFICE ON SUNDAYS AND HOLIDAYS.

219. On the North-Western Railway, clerical staff attending offices on Sunday or any other holiday, are ordinarily considered eligible for compensatory casual leave. Tonga hire is allowed only when clerks are called to office from their homes without notice. Government do not consider it necessary to issue any further orders to the North-Western Railway on the subject.

The staff employed in the offices of the East Indian, Eastern Bengal Railways and under the Chief Mining Engineer, Railway Board, are allowed only the actual tram or bus hire incurred by them together with compensatory casual leave for attending office on Sundays and other holidays.

PROMOTION OF ASSISTANT STATION MASTERS IN THE DELHI DIVISION OF THE NORTH WESTERN RAILWAY.

65. No. At present there are 2 permanent and 3 officiating Indian Assistant Station Masters, Grade V.

PAY OF ANGLO-INDIAN AND INDIAN ASSISTANT STATION MASTERS AT DELHI AND GHAZIABAD.

66. Out of nine posts of Assistant Station Masters at Delhi in Grade V, three posts were converted into Grade I as it was found that the work of these Assistant Station Masters was similar to that of Train Despatchers employed at other junction stations, who were in Grade I. The posts in Grade V have not always been filled by Europeans or Anglo-Indians but by Indians also. There is no racial discrimination. As regards Ghaziabad, out of three posts in Grade V, two posts were reduced to Grade I during the recent economy campaign.

PAY OF THE ASSISTANT STATION MASTER AT SIMLA.

67. The grade of Assistant Station Masters at Simla is Rs. 40—5—60—3—75 and no station clerk is employed under him.

RETRENCIEMENT OF WORKS MANAGERS, ETC., OF THE LOCO. AND CARRIAGE SHOPS. NORTH WESTERN RAILWAY.

233. (c) (i) One post of Assistant Works Manager, Karachi has been abolished.
(ii) One post of Senior Scale Production Engineer at Moghalpura has been reduced to Junior Scale.

(iii) Two posts of Foremen at Moghalpura have been held in abeyance.
(iv) In Moghalpura Workshops nine posts of Senior Chargemen have been held in abeyance.

COMMUNITIES OF CHARGEMEN APPOINTED IN THE EAST INDIAN RAILWAY WORKSHOPS AT LUCKNOW.

35. (a) The number of vacancies which occurred, and were actually filled, in the grade of Chargemen during the years 1928—1931 were as follows :—

	1928.		1929.		1930.		1931.	
	Perma- nent.	Tempo- rary.	Perma- nent.	Tempo- rary.	Perma- nent.	Tempo- rary.	Perma- nent.	Tempo- rary.
<i>Chargemen.</i> (Rs. 185—15— 350).								
Vacancies oc- curred.	1	10*	3	3	..	..	..	..
Actually filled ..	1	10*	2	3	..	..	..	..
<i>Chargemen T. T.</i> (Rs. 110/150—20 250).								
Vacancies oc- curred.	..	..	..	..	..	..	1	..
Actually filled ..	..	..	..	..	..	..	1	..

* Permanently absorbed in 1930 in the grade of Mechanics on Rs. 160—15—220 per mensem.

(b) & (c). Suitable men from other shops were transferred to the posts that were filled. No ex-apprentices of the Lilloah Workshops or outsiders were appointed.

APPOINTMENT OF APPRENTICES OF THE LILLOOAH RAILWAY WORKSHOPS.

630. (a) and (b). Five vacancies which are usually filled by those trained as apprentices occurred in Lillooah Workshops in 1931. Of these only four were filled, one being left unfilled for reasons of economy. Messrs. R. Sim, W. Smith, A. C. Nandy and S. N. Ojha were appointed against these vacancies. Each of these men had, during his apprenticeship, received special training to fit him for the post to which he was finally appointed. Other apprentices, including those who passed out in 1930, not specially trained, were not suitable and could not have been considered for these posts.

Mr. Platts, who is stated by the Honourable Member to have been appointed, was discharged on completion of his training.

In addition to these four vacancies, two temporary appointments for the purpose of part numbering were required to be filled by men qualified as C. & W. Draughtsmen. The apprentices who had completed their training in 1930 were not considered to have the necessary qualifications for the posts and the vacancies were therefore advertised. Two Indian applicants were offered the appointments; one refused and the other accepted. Mr. Gibbons who completed his apprenticeship in January, 1931 was then appointed to the second post as he had exceptional abilities in this particular work.

APPOINTMENT OF APPRENTICES OF THE LILLOOAH RAILWAY WORKSHOPS.

632. (b) The Honourable Member's attention is invited to the reply given above to his Question No. 630.

CONFIRMATION OF PROBATIONERS IN THE CHIEF ACCOUNTS OFFICE, EAST INDIAN RAILWAY.

295. Instructions have been issued to all Chief Accounts Officers of State-managed railways that the men recruited on the results of the competitive examination should be treated as permanent employees though on probation for a year and entitled to increments in the ordinary course.

Mr. H. A. F. Metcalfe (Foreign Secretary) : Sir, I lay on the table the information promised in reply to starred questions Nos. 997, 999 to 1003 and 1005 to 1019 asked by Mr. S. C. Mitra on the 29th March, 1932.

CONFISCATION OF THE PRIVILEGE OF INTERVIEW OF CERTAIN POLITICAL PRISONERS.

997. 94 prisoners convicted of offences in connection with the civil disobedience movement have been punished for offences against Jail discipline with deprivation of the privilege of interviews in accordance with the provisions of the Jail Manual.

CONFINEMENT IN A DARK CELL OF A PRISONER IN THE AJMER CENTRAL JAIL.

999. It is not a fact.

HUNGER STRIKE OF A PRISONER IN THE AJMER JAIL.

1000. It is not a fact. He is not and has not been on hunger strike.

REMOVAL UNDER THE ORDINANCE OF PRIVATE MONEY BY THE AJMER POLICE.

1001. In executing search warrants issued under sub-section (4) of Section 7 of Ordinance No. IV of 1932, the Police Officers concerned in one or two cases took possession of money suspected to form part of the funds of an unlawful association. All this money was returned in the course of a few days when as a result of enquiry the evidence was considered insufficient to justify its retention.

AUCTION OF PRIVATE PROPERTY IN THE GANDHI ASHRAM AT HATUNDI.

1002. (a) Yes.

(b) Some of the articles found in the Gandhi Ashram, which were believed to have been used for the purposes of associations declared to be unlawful, were forfeited and auctioned. Other articles, which are believed to be the private property of inmates of the Ashram, have been kept for return to their owners when they come forward to claim them, which they have not yet done.

ARREST OF A SHOPKEEPER FOR FLYING THE CONGRESS FLAG.

1003. A congress flag was found flying on Seth Kalyan Mal's house. Enquiries were made by the Police and he was called to the Kotwali and detained there for about 4 hours for the purpose of this enquiry. When the enquiries showed that he himself was not responsible for hoisting the flag, he was allowed to go. He was not abused by the Sub-Inspector or asked to apologise.

ARREST OF YOUNG BOYS IN AJMER.

1005. (a) This is not being done.

(b) Six boys were prosecuted and convicted under Section 448 of the Indian Penal Code, 1860 (XIV of 1860) for committing trespass in the District Kutchery and hoisting a congress flag on the flag-staff. Being juveniles, they were sentenced to whipping (9 stripes each) as it was considered desirable to avoid, if possible, sending boys of their tender age to Jail. Unfortunately the punishment failed to have the desired effect and the same offenders had to be prosecuted for subsequent offences committed a few days later and were sentenced to imprisonment.

(c) The punishment was awarded in the interest of the boys themselves under the Whipping Act, 1909 (IV of 1909).

CLASSIFICATION OF PRISONERS IN THE AJMER CENTRAL JAIL.

1006. (a) There are at present 122 prisoners convicted for offences in connection with the civil disobedience movement in the Ajmer Jail. Nine of these are classified in "A" class and the remainder in "C" class, as having regard to their social status and the mode of living to which they were accustomed—so far as these could be ascertained—it was not considered that they were eligible for inclusion in a higher class. Most of the persons convicted of taking part in the civil disobedience movement in this district are persons who have come for this purpose from other districts or States. Nothing is known about them in this district and as in many cases they give fictitious names or refuse to answer the questions put to them by the Magistrates, in whose Courts they are tried, it is not possible to ascertain what their antecedents have been.

(b) Mistakes in classification were made in 1930-31. Of the persons mentioned, Narsingh Das is in "A" class. The others were not considered to be entitled to inclusion in "A" or "B" classes.

CLASSIFICATION OF PRISONERS IN THE AJMER CENTRAL JAIL.

1007. Magistrates have already been instructed to classify prisoners provisionally at the time of conviction. The classification is subject to confirmation by the Local Administration.

CLASSIFICATION OF PRISONERS IN THE AJMER CENTRAL JAIL.

1008. No. Sobha Lal Gupta's wife, Mst. Vijya Devi, was convicted by the City Magistrate, Ajmer, of an offence punishable under section 17 (2) Criminal Law Amendment Act, 1908 (XIV of 1908), on the 21st January 1932, and was sentenced to rigorous imprisonment for one year. She was charged with organising a congress meeting held at Ajmer. As she refused to take any part in the proceedings in the City Magistrate's Court or to reply to the questions put to her, the Magistrate made no recommendation for her inclusion in a higher class and she was accordingly classified as a "C" class prisoner. When it became known that her husband had been about to issue, but in the meanwhile Mst. Vijya Devi was reported to be about to give birth to a child and as it was considered desirable in these circumstances to release her, orders for her unconditional release from the Central Jail, Ajmer, have now been issued by the Local Government under Section 401 of the Code of Criminal Procedure, 1898 (V of 1898).

STANDARD OF DIET OF "C" CLASS PRISONERS IN AJMER.

1009. "C" class prisoners are given the diet provided for ordinary prisoners. This has recently been changed with a view to improving it. The description of the present diet contained in the question is inaccurate.

CORN-GRINDING LABOUR GIVEN TO POLITICAL PRISONERS.

1010. (a) and (b). "C" class prisoners are usually given grinding work in the mills in the ordinary course for a few days after admission to the Jail. No prisoner, who is not fit to perform this labour, is made to do it. Prisoners classified in "A" class are not given this work.

(c) No.

HUNGER STRIKE OF POLITICAL PRISONERS IN AJMER.

1011. Six prisoners convicted for offences in connection with the civil disobedience movement refused to take food for six days. They discontinued the "hunger strike" at the end of that period.

COMPLAINT ABOUT THE TREATMENT OF PRISONERS IN THE AJMER CENTRAL JAIL.

1012. (a) These are not facts.

(b) These are not facts.

(c) Six prisoners were punished for refusing to take Jail food. They were deprived of six days' remission.

CONDITIONS OF INTERVIEWS WITH POLITICAL PRISONERS IN THE AJMER CENTRAL JAIL.

1013. Sunday is the day fixed for interviews in the Ajmer Jail. Undertrial prisoners are allowed interviews on other days also. In order to facilitate interviews, a new interview room has been constructed near the Jail office. All interviews take place there.

ALLEGED HARASSING OF PRISONERS IN THE AJMER CENTRAL JAIL.

1014. The suggestion made in the first part of the question is incorrect. As regards the second part, articles for "A" class prisoners are only disallowed if they are considered objectionable or if the quantities are unnecessarily large.

RECORD OF WEIGHTS OF POLITICAL PRISONERS IN THE AJMER CENTRAL JAIL.

1015. (a) This would involve an unnecessary amount of clerical labour for the Jail staff, which is already over-burdened with work. Out of 126 prisoners convicted in connection with the civil disobedience movement, 115 have either gained weight or their weight has remained stationary after admission to the Jail.

(b) No.

DISALLOWANCE OF A RELIGIOUS BOOK TO A PRISONER IN THE AJMER CENTRAL JAIL.

1016. Prisoners are not allowed to have an unlimited number of books. If this particular book was disallowed, it could only have been under this rule.

PROVISION OF A NON-OFFICIAL VISITOR FOR THE AJMER CENTRAL JAIL.

1017. Mr. D. H. Vakil and Syed Ale Rasul Ali Khan have been appointed as non official visitors for the Central Jail, Ajmer, with effect from the 17th June, 1932.

LACK OF SOAP AND OIL IN THE AJMER CENTRAL JAIL.

1018. Oil is supplied but soap is not provided for ordinary prisoners except for washing clothes.

**ALLEGED OBJECTIONABLE METHODS IN SEARCH FOR CONGRESS FUNDS
ADOPTED BY THE POLICE INSPECTOR, AJMER.**

1019. (a) So far as this question is not covered by the reply to question No. 1001, the suggestions contained in it are incorrect. Government do not intend to hold an enquiry into the matter.

(b) All account books have been returned.

Mr. President : Mr. Amar Nath Dutt.

Mr. Amar Nath Dutt : I do not move it,* Sir.

Mr. President : Mr. Piracha.†

Sir Cowasji Jehangir : I rise to a point of order, Sir. I understand that the Honourable Member has given up his right to move Resolution No. 1. Do I take it that he gives up his right for all time ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member, Mr. Amar Nath Dutt, was deputed by Mr. M. R. Puri to move the Resolution in his absence. The Chair must, therefore, take up the next item on the order paper. Mr. Piracha.†

* This Assembly recommends to the Governor General in Council that at the forthcoming Statutory Enquiry under Section 3 of Act III of 1927, the following be included among the points to be investigated and reported upon by the Tariff Board in regard to the working of the Tata Iron and Steel Works, Jamshedpur :

- (i) what proportion do the total assets of the Company bear to the aggregate value of the protection so far enjoyed by it by way of bounty and tariff, together with the value of the various concessions, such as reduced railway freight for raw materials and manufactured products, enjoyed by the Company ever since it started its operations ; and whether in view of the large contributions thus made by the State and the people towards the maintenance of this firm, some amount of supervision and control should not be assumed by Government over its management in the event of the policy of protection being further continued ;
- (ii) whether and how far the process of Indianisation is being carried on, and how far this policy has succeeded in finding employment for the best talents in the country, and whether there has been any favouritism at the cost of efficiency ;
- (iii) what relations have subsisted between the firm and the labour employed by it ;
- (iv) whether and to what extent the purchase of raw materials and machinery is being conducted on economic lines ;
- (v) whether and to what extent the sale of finished materials, semi-finished materials and scrap and rejected materials are being carried on in the best interests of the Company and consumers in India ;
- (vi) whether the sale policy of pig iron is conducive to the best interests of the country ; and
- (vii) whether the management has rendered every possible assistance to subsidiary and dependent industries, directly and indirectly, so as to help in the growth and expansion of such industries, and particularly to eliminate the necessity of protection to those subsidiary concerns that may now be enjoying it."

†The Honourable Member was absent.

RESOLUTION RE RATE FOR COASTAL PORT PASSENGER TRAFFIC.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I beg to move that :

“ This Assembly recommends to the Governor General in Council to take the necessary steps for the purpose of fixing the minimum rate for the passenger-carrying trade by sea between the coastal ports of India.”

Sir, I move this Resolution which has been balloted in my name. In this Resolution I do not want that the Government should interfere in trade. I do not want in this Resolution that the Government should follow the recommendations of the committee of 1923 and reserve the coastal traffic for Indians alone, but I make a very modest request, namely, to stop incessant ‘ rate-war ’, which the Government have already accepted in principle. Sir, the Honourable the Leader of the House, who represents the railways of India, had been the first victim of this rate-war in the year 1890-91 which was referred to by Rai Bahadur Tarit Bhushan Roy, in his speech before the Legislative Assembly, on the 12th February, 1927. He pointed out the rate-war that continued between the State-owned steamers and the Inland Navigation Companies, and he said :

“ Is it not a fact that for ousting the State service from Eastern Bengal handkerchiefs and sweets were offered to us and no fares were charged ? ”

Sir, on account of this rate-war the Government had to give up their connection with steam navigation and gave up the whole concern to an inland navigation company but imposed one condition, namely, that the fares should be printed on the ticket, of which they had bitter experience in the ‘ rate-war ’. But what followed ? The same Inland Navigation Company, which was carrying passengers free of cost, immediately increased its fare by 50 to 150 per cent. and in the case of freight it increased ten times.

Sir, this question of rate-war was taken up by the Deck Passengers Committee in 1921 and, in paragraph 35, the committee said that ‘ some official and some non-official witnesses had stated that new capital was debarred from entering the shipping trade through fear of rate-war, and it is common knowledge that in the past attempts were made to enter the trade, but they failed ’. The committee admitted that one or two shipping concerns had the monopoly and the committee was certain that if the rate-war could be avoided, a stimulus might be afforded to fresh enterprise. The majority on the committee recommended that the Government should consider the question whether a minimum rate ought not to be prescribed. This subject was taken up again by the Mercantile Marine Committee in 1923 and 1924. This committee went much further and it pointed out that in section 736 of the English Merchant Shipping Act of 1894, there is a provision conferring power upon the legislature of a British Possession to make their own coastal arrangements by means of ordinances and regulations. Following this special privilege, the Australian Government made certain regulations to regulate the coastal traffic, and this Mercantile Committee was so strong on this particular point that they said that whatever the results of the experiment made by Australia may be, it is very desirable that in India we ought to regulate coastal traffic and take advantage of this particular privilege. They said very forcibly that ‘ it does not

[Dr. Ziauddin Ahmād.]

follow that if the Australian system has been unsuccessful, the system we propose for the Indian coastal trade will not be a success'. Soon after this report was written, Mr. S. N. Haji, whose name is very familiar in this House wrote a book called the "Economics of Shipping" and on page 257 of this book he said :

"With a view to stop the ruinous rate-war in the passenger-carrying trade, which would then benefit by the flow of new capital now held back through fear of a total loss, the writer, in 1921, advocated before the Indian Deck Passenger Committee the fixing of a minimum rate of fare by law so that fresh Indian enterprise may be forthcoming in the world of shipping. The following is the official summary of the oral evidence :

'What kills new enterprise in the shipping field is the necessity of standing a fierce rate-war at the outset. Witness considers that Government would be justified in intervening in order to prevent a rate-war, one reason being that the passenger-carrying trade deals with human beings and is, therefore, in principle different from the selling of material commodities.'

No step was taken on the recommendations of this committee but the question was taken up by Mr. Neogy who presented a Bill, called "The Bill further to amend the Inland Steam Vessels Act of 1907". He presented the Bill on the 1st February, 1927 ; a year later it came up for discussion when the motion that it may be circulated was passed. Another year passed away and then it was referred to a Select Committee and in the fourth year this particular Bill was passed by the Assembly and it received the assent of the Governor General and became law. I do not want to take the time of the House by going through the details of the discussion on this particular Bill and I do not like to quote *in extenso* the speeches that were delivered by my Honourable friend, Mr. Neogy, who had been the pioneer in this particular field. He himself will probably defend this particular motion of mine. But I would like to quote from a speech made by Mr. Haji because he is not here to defend this particular case. When the question was being discussed that the Bill be circulated, Mr. Haji said as follows :

"Now, Sir, the scandal of rate-wars against Indian companies has been of such a long duration and there are so many cases of such rate-wars being carried on against Indian companies that I will not waste the time of the House by quoting any examples. But attention must be drawn not merely to the rate-wars which are public, however abominable, but to the private pressure put upon Indian shipowners by British companies and their representatives in this country in order to induce them to wind up their concerns, occasionally with the temptation of large bribes and sometimes with the threat of the impending rate-war if the company does not cease to run its steamers along the routes which have been monopolised by these foreign organisations."

While this Bill was being discussed, Sir George Rainy on behalf of the Government practically accepted the terms of this Bill. In the earlier stages he said, as reported in the Legislative Assembly Debates, Volume 1, 1929, that 'the Government were not prepared to say that the Executive Government of the country ought not to have the power to intervene for the protection of the public'. Then he said that we should protect indigenous companies and not harm old shipping companies simply because

they are Europeans. On the 23rd January, 1930, Sir George Rainy on behalf of the Government said :

" I frankly admit that at various times, the Government have had their doubts as to this Bill, and as Mr. Neogy himself admits, it is something of a novelty, and it remains to be seen how exactly the experiment would work. But Government have already accepted the principle of the Bill and they believe that the measure in the form in which it has emerged from the Select Committee is workable and that it can be administered so as to give fair play to all and to cause injustice to none."

So, this is the principle which Sir George Rainy has already accepted in connection with this Bill. The Bill to which I have already referred, which was moved by Mr. Neogy, applied only to the navigation in inland waters and, unfortunately, he did not include in his Bill the coastal trade. And, now, today, in this Resolution I request that the principle that has already been accepted for inland trade may also be extended to the coastal trade. I wish to establish today that the conditions in the coastal trade are just the same as the conditions in the inland trade and the reasons which I will advance today are just the same as were advanced by Mr. Neogy and by his supporters when they pressed for this particular Bill. Sir, when the circumstances are the same and when the conditions are the same, I hope, Government will apply the same principle to the coastal trade which they have already accepted in case of the inland trade. I repeat once more that I am not asking the Government to accede to any new policy ; I am simply requesting them to extend the already accepted policy to the coastal trade where the conditions are of a similar nature.

Now, Sir, I will proceed to make out my case and give the reasons why I request that this particular privilege ought to be extended to the coastal trade also. Sir, I refer particularly to the service between Chittagong and Rangoon. For many years a British Indian Steam Navigation Company had the monopoly, but they treated the passengers so very badly that they became disgusted and they themselves requested the Asiatic Company in 1880 to come to the field. They thought that probably a kind of competition will be advantageous to the passengers. But they found that this new company which they themselves brought in made terms with the old company and the conditions remained as they were before. When the people of Bengal were tired of the bad treatment accorded to the passengers by the authorities and the officers of the new company, they themselves started a company in 1905 under the name of Bengal Steam Navigation Company which ran its ships between Chittagong and Rangoon. Now, as soon as this company came into existence, the same rate-war immediately began. They reduced the fares from Rs. 12 to Rs. 6 and they reduced the freight from Rs. 14 per maund to Rs. 4 per maund so that the new company might not be able to prosper. The old theory of giving sweets and handkerchiefs was also practised in this particular case. I understand the mentality of the people of Bengal, I suppose it is the case with everybody and I myself would not have refused cheap passage and present of sweets and handkerchiefs. The result was that this new company struggled for five years and in 1910 it went into liquidation and disappeared. As soon as the company went into liquidation, what happened ? The British India Steam Navigation Company, immediately raised their fares and their freights. They raised their fares to Rs. 14 ; previously the fares were Rs. 12. They raised the fares by Rs. 2 in order to compensate themselves for the loss they incurred in competition with the Bengal Steam Navigation Company. They also increased their freight immediately. This thing continued for a very long time.

[Dr. Ziauddin Ahmad.]

The people of Bengal repeatedly requested this company to reduce their fares and accord human treatment to passengers, but there was no response to their request. They had the monopoly and they were certain that by exercising this rate-war, they could bring down any company. On account of the bad treatment which the people were receiving, they got so much disgusted that they moved in the matter. Even the poor people wanted to do something to put an end to this state of affairs. Then the small people who earned their livelihood in the field and the small businessmen all combined together and they floated a company with 26,000 shares. The entire sum was subscribed for by the lower middle classes. This company came into existence in 1928. At that time the excitement among the people was so great, that they signed an agreement to the effect that they would only travel in this new company and would not travel by the other company. What was the result? Immediately rate-war began. The British India Steam Navigation Company reduced their fares from Rs. 16 to Rs. 6 and they reduced the freight to Rs. 4 per ton. Not only this, they have also been spending Rs. 40,000 per month in propaganda that people might travel in their own boats. They supplied motor cars free at the residence of passengers to carry them from their houses to the ports and the same old game of giving free handkerchiefs and sweets was started again. But the new company that was just started continued to have the rates which they fixed originally, that is, Rs. 14, and the result was that this new company which has just been started incurred, on account of unfair competition, a heavy loss during the last five years to the extent of Rs. 6,87,000. This is not the whole story. It goes a little bit further. This new company which was started in Bengal purchased three steamers from Messrs. Turner, Morrison and Company, and they used them between Chittagong and Mongdow and Chittagong and Cox-Bazaar. As soon as this company purchased these three boats, the British India Steam Navigation Company, put a special steamer called the Daregata and reduced the fare immediately from Rs. 3 to twelve annas for passengers and from Rs. 2 to annas six per ton for luggage. This was the rate-war that was going on and the conditions in this particular case are just the same as those which existed in inland traffic which my Honourable friend, Mr. Neogy, so ably described in four of his speeches between 1927 and 1930. I may say at once that I am not against European administration nor against European companies coming to India. I do not propose that the Britishers should be excluded from coastal traffic. All I want is trade and navigation should not become the monopoly of any one company. I really move a very modest proposal. If the Europeans come out here to trade, they should not turn out the Indians who are now struggling to come into this field. I appeal to the Honourable Members of the European Group and to Government that they should consider this fact that this particular trade ought not to be the monopoly of Europeans. If at all it is to be a monopoly, it should be the monopoly of the Indians, and not of the Britishers. If this Government exists for the benefit of the Indians, then they should come forward to give a little aid to the Indians so that they may also exist in this field. No doubt the Indians have just started in this field. They cannot even walk and if at this stage they are crippled by the superior skill and by the larger capital of the British companies, it is impossible for any Indian company to thrive. Therefore I request

the Government to extend a little help and save the Indian companies from this rate-war. I admit there might be fair competition in every trade, but there should not be unfair competition. If there is unfair competition, the Government must interfere. As an example I may cite the case of the textile industry. On account of the rapid fall of the yen, the Government have fixed a higher rate of duty for non-British textile and this was really a case of unfair competition. Therefore, in all cases of unfair competition, it is really the duty of Government to protect the interests of their own people. This is all that I demand in this Resolution. I do not ask the Government to adopt any new policy. I do not ask the Government to go out of their way and formulate any new policy. I simply ask them to take the facts as they are and to help us against this rate-war which has been waging for a long time and which has been crippling every effort which the Indians are putting up and in a matter like this, it is the Government and the Government alone to whom we can look forward for help and we may also appeal to the European companies through the Honourable Members of the European Group that they should assist the Indians in this particular matter and not drive out the Indians by unfair competition which may at present be legally right, but which certainly is morally wrong. With these words, I move my Resolution.

Mr. President (The Honourable Sir Ibrahim Rahimtoolah) : Resolution proposed :

“ This Assembly recommends to the Governor General in Council to take the necessary steps for the purpose of fixing the minimum rate for the passenger-carrying trade by sea between the coastal ports of India.”

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : Sir, I have got an amendment standing in my name, but I am not going to move that.

Mr. N. M. Joshi (Nominated Non-Official) : Why ?

Mr. Abdul Matin Chaudhury : For the simple and sufficient reason that if I move that amendment, the Honourable the President will at once come down upon me and rule it out of order ; because, it widens the scope of the original Resolution.

Mr. N. M. Joshi : Leave it to the President to do so.

Mr. Abdul Matin Chaudhury : In giving notice of that amendment, all I wanted was to bring out the true implication of the original Resolution. I think my Honourable friend, Dr. Ziauddin Ahmad, will agree with me that it is as much necessary to fix maximum rates to prevent profiteering as it is necessary to fix minimum rates to prevent unfair competition. By this Resolution we are not proposing any new principle and we are not suggesting any new procedure for the acceptance of Government. This fixing of minimum and maximum rates in passenger traffic and goods traffic has been the accepted policy of Government. They have done it in the case of the State-managed railways, they have done it in the case of the company-managed railways and by passing Mr. Neogy's Bill, the Inland Steam Vessels (Amendment) Bill, they have accepted the same principle, in case of inland navigation. What we now propose is simply this. We make a recommendation to the Government that they should apply the same principle in the case of coastal traffic as well. If the case for fixing rates in the

[Mr. Abdul Matin Chaudhury.]

case of inland navigation was a strong one, strong enough to justify the enactment of Inland Steam Vessels (Amendment) Act, I submit that the case for fixing rates in the case of coastal traffic is overwhelming. The past history of coastal traffic in India has been the history of unfair and unequal struggle between the powerful British India Steam Navigation Company, with its unlimited resources and the tiny Indian concerns, a struggle in which the weaker Indian companies have inevitably gone to the wall. Every attempt made by the Indian companies to cut into the coastal trade has been foiled by the ruthless and relentless rate-war waged against them by the British India Steam Navigation Company. Dr. Ziauddin has given an instance of how the Bengal Steam Navigation Company was crushed by the British India Steam Navigation Company. He has also referred to the case of the Bengal Burmah Steam Navigation Company which, I believe, is fairly on its way to liquidation because of this unfair competition by the British India Steam Navigation Company. I should like to supplement these remarks only by reading out an extract from the opinion of Mahatma Gandhi on this question of rate-war between the British India Steam Navigation Company and the Chittagong Company. Speaking in the second Round Table Conference in the Federal Structure Committee, this is what Mahatma Gandhi said :

"Some of you may have heard of a budding company between Chittagong and Rangoon. The directors of that company, poor struggling Muhammadans, came to me in Rangoon and asked me if I could do anything. My whole heart went out to them, but there was nothing to be done. What could be done? There is the mighty British India Steam Navigation Company simply underselling this budding company and practically taking the passengers without any passage money at all. I could quote instance after instance of that character. Therefore it is not because it is a British company. If it were an Indian company that had usurped this thing it would be the same. Supposing an Indian company was taking away capital, as to-day we have Indians who instead of investing their capital in India invest their capital or invest their monies outside India. Imagine that there was a huge Indian corporation that was taking away all its profits and investing them in some other parts of the world, fearing that the National Government was not going along a correct policy, and therefore in order to keep their money intact they were taking away that money outside. Go a little step further with me and say that these Indian directors in order to organise in a most scientific, finished and perfect manner brought all the European skill that they could bring there and did not allow these struggling corporations to come into being, I would certainly have something to say and have legislation in order to protect the companies like the Chittagong company."

So much about the east coast competition. In the west coast also the British India Steam Navigation Company is carrying on a rate-war against the small Indian concerns. In the west coast there are four small Indian companies, the Eastern Navigation Company, the Malabar Steamship Company, the Merchant Steam Navigation Company and the National Steamship Company. Just at present the British India Steam Navigation Company is engaged in a furious rate-war against these four companies. Quite recently when the "Hydari" a steamer of the Eastern Navigation Company berthed at Bombay to take cargo for Tuticorin, the British India Steam Navigation Company reduced its rate from 12 annas to 3 annas per bag to Tuticorin. No company can stand against this cut-throat competition, and afterwards when this British India Steam Navigation Company will succeed in killing the Indian concern they will at once raise their rates and dominate the situation. Government, Sir, are well aware of these facts. Representations have been made to them by the Indian Merchants' Chamber and the

members concerned. Now what I want to know is this. What are Government going to do in this matter ? Are they going to stand aside as a passive spectator and allow these Indian companies to be ruined, or do they recognise that they have got a duty and a responsibility in this matter ? Government, Sir, are not only watching as a silent spectator. That would be bad enough ; but what is still worse is that they are acting as accomplices of the British India Steam Navigation Company in this matter. They pay a huge subsidy to that company for carrying mails and being fattened at the expense of the Indian taxpayer and the company uses these resources to crush the Indian concerns. Then again the Assam Bengal Railway,—I draw the particular attention of my Honourable friend Mr. Rau to this matter,—gives through booking facilities to the British India Steam Navigation Company but they refuse the same to the Indian concern. These, Sir, are the facts of the situation.

Now, Sir, for the past few years this question of rate-war has been before the Indian Government. The Indian Mercantile Marine Committee recommended that there should be a licensing board to license ships engaged in coastal trade and the licensing authority should have power to deal with matters like rate-war. But Government have ignored that recommendation. Then again in the year 1928 this House by referring to Select Committee by an overwhelming majority Mr. Haji's Coastal Traffic Reservation Bill accepted the principle of having the entire coastal trade reserved for Indian shipping. That was a very legitimate and aggressive policy to which this House committed itself. But unfortunately today this House is distinctly poorer by the absence of those stalwarts who used to tackle John Bull by the horns. Today in this tame and timid House we have brought forward a very tame and timid Resolution and our demand is very simple and very modest. What we want is that Government should arm themselves with power to prevent the elimination of Indian shipping from the coastal trade. Sir, in 1929 Government themselves declared that they would explore all avenues for securing adequate participation of Indian shipping in coastal and overseas trade. We want them to implement that promise and to honour that pledge which they gave to the Indian public.

I have one last word to say to the Honourable the Commerce Member. I believe he was one of those patriotic Indians who pleaded before the Round Table Conference for equality of trading rights for India. That was what he preached in London. Let him practise it in Simla.

Mr. N. M. Joshi : Sir, the decision taken by my Honourable and esteemed friend, Mr. Abdul Matin Chaudhury, not to move his amendment and take upon himself the duties which properly belong to the Chair makes it incumbent upon me to oppose the Resolution as it is worded. Sir, the Honourable Member who moved the Resolution stated that he did not want Government to intervene in this trade or industry. I do not know what he was asking for when he asked Government to fix minimum fares and rates. The Honourable the Mover must either believe that the trade and industry of this country must be based upon the principle of competition and take all the consequences of competition or believe that the important industries and important sections of trade in this country should be under the control of Government in order that the interests of the public

[Mr. N. M. Joshi.]

should be properly safe-guarded. If the Honourable Member believes that the industry and trade should be based upon competition then what he complains about, namely, ruthless and relentless war or cut-throat competition is only an incidence of that competition. If you believe in war you cannot have a war which is not ruthless, you cannot have a war which is not relentless. So, if you believe in competition you cannot have a competition which is not cut-throat. Sir, I am frankly one of those people who believe that in the interests of the people of this country Government should always exercise proper control over the industries and trade in this country. The coastal trade is a trade which is very important from the point of view of those people who have invested their money, but more so from the point of view of those people who have to travel along the coast line of this country. This country has a very large coast line and the number of people who have to travel by steamers along the coast is a very large one. I have been one of those people who have to travel frequently along the coast. I have known sometimes the consequences of the competition that exists; but some times the passengers have been exploited on account of want of competition. Therefore if gentlemen opposite believe in competition, let them at least give the people the benefit of the competition. It is not always that the passengers will get free motor drives or sweet-meats or handkerchiefs; let them at least get the benefit when they do; but I do not believe that the passengers care for these handkerchiefs or for sweet-meats, the passengers want comfortable passage and cheap fares. If Government can assure them of this, the passengers will be satisfied. But it is not right that any Member in this Assembly who says that he is an independent member and belongs to a party called the Independent Party should move a Resolution which is absolutely one-sided. I believe that the Government should intervene to regulate the coastal traffic of this country; but the Government cannot regulate only to protect the capitalists of this country. If Government is to intervene, let Government intervene to regulate competition between shipping companies as well as to protect passengers in this country from being exploited by the capitalists. I assure you, Sir, that if Government begins to regulate industries in this country and if they do it properly with an eye to safeguard the interests not only of those who have invested their small amounts of money, but of those much larger sections of the people who make use of these trades and industries, I shall welcome it. I believe in the principle of Government intervention, especially in those industries which are concerned with the welfare of the people of this country. But the Resolution, as it is moved, leaves me no option but to oppose it.

Mr. R. Smith (Bengal : European) : Sir, the Mover of this Resolution as well as the Honourable Member who followed him both said that they were asking for something very modest. This itself is about the most modest statement I have ever heard, because the Resolution embodies a principle which is inherently vicious and which must be opposed without qualification or reserve.

In the first place, some of us are old-fashioned enough to think that the less Government interference and control there is in industry and commerce the better for the country and the better also for Government itself.

But looking at the matter more specifically, let me take a point made by the second Honourable Member who spoke on the Resolution. He said that this principle had been accepted in regard to railways. Now, what is a railway? A railway is essentially a carrier of certain goods and passengers and it has to acquire certain rights which it can only get from Government. Having got those rights, if it gets them, it is then in a monopolistic or quasi-monopolistic position; and that gives some ground for Government control over railways. The same can also be said of certain other industries; if you take an electric supply company, it has a right to supply current for power and for lighting in certain areas. It gets this by some form of licence. There again there is ground for suggesting that there should be control and limitation....

Sir Cowasji Jehangir (Bombay City : Non-Muhammadian Urban) : Who fixes the rates in these cases of electric companies and railways?

Mr. R. Smith : I cannot tell you who fixes in detail.

Sir Cowasji Jehangir : Have you never seen a Government licence in your life?

Mr. R. Smith : I suggest that I am quite capable of making my own speech without assistance from the Honourable Member.

An Honourable Member : He is making his maiden speech.

Sir Cowasji Jehangir : I beg your pardon.

Mr. R. Smith : Thank you. Having made these few points of comparison or rather contrast with electric supply companies and railways I think we come to the point of principle and it is this : If the House accepts this Resolution, it is accepting in principle the fixation of rates for any sort of commodity and service; and if it accepts the principle of Government fixation of rates for any commodity, it ought to accept it for all. I do not think that is possible. If this principle is accepted it means fundamentally the acceptance of a principle which would upset the entire economic system throughout the country or for the matter of that in any country. Then again suppose minimum rates are fixed; they are not going to be fixed unalterably. Sooner or later there will be a demand to have them changed; the very people at whose initiative these rates are fixed might later consider them too high and find themselves in a different position. The result of this will be that you will have constant bobbying and manœuvring. You will practically be allowing politics to interfere with business and business to interfere with politics and the results will, I think, be entirely deplorable. In principle, therefore, I think that ought to be utterly resisted and, therefore, this Resolution should be opposed.

Mr. R. S. Sarma (Nominated Non-Official) : Mr. President, I am afraid that this debate has taken so far a barren and fruitless course; because neither the eloquence of my friend, Mr. Abdul Matin Chaudhury,

[Mr. R. S. Sarma.]

nor the very laborious arguments of Dr. Ziauddin Ahmad were necessary to convince the House of the soundness of this proposition ; and, if I am opposed to this Resolution, it is because this is neither the time nor the place for pressing this. (*An Honourable Member* : " Why ? ") I am coming to that. Because this Resolution relates to the relationship that should subsist between British industrial concerns and companies and Indian-owned companies and it is exactly the matter that is now engaging the attention of the Round Table Conference. One of the most vital and important things the Round Table Conference is asked to solve is about this relationship between British and Indian companies...

Mr. B. Das (Orissa Division : Non-Muhammadan) : I do not think you have understood the purpose of the Round Table Conference.

Mr. R. S. Sarma : Anyway that is one of the most important things that is already engaging the attention of the Round Table Conference, and I think it will come before the November session of that Conference. Secondly, even if effect is given to this Resolution, I do not think that Indian companies will be able to compete with British companies which have much better capital and bigger organisations. Therefore the only way to effect a compromise is to come to some sort of working arrangement with these British companies ; and that is exactly what the Round Table Conference is doing ; and I think, therefore, the Resolution is ill-timed and wholly out of place.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Mr. President, when I entered this Assembly to-day I had no intention of speaking on this Resolution. As my Honourable friend pointed out, neither the Mover of the Resolution nor the seconder, Mr. Abdul Matin Chaudhury, has any interest in the coastal traffic, and I may also confess at the outset that I come from a place which is far removed from any coast and neither myself nor any of my constituents has got any interest in this coastal traffic. But I rise on account of the speech made by my Honourable friend, Mr. Joshi. He found fault with the Honourable Mr. Abdul Matin Chaudhury for not pressing his amendment for fixing both maximum as well as minimum rates. Sir, the Resolution is intended to see that the Indian companies do survive the competition. It is only after the Indian companies survive the competition, it is only after some of them actually exist after such competition, that we can think of fixing the maximum rates, because when the few Indian companies are actually struggling for their very existence, it is hardly right and proper that we should ask for the fixing of maximum rates. My Honourable friend, Mr. Joshi, in his enthusiasm for the poor classes, said that the present competition should continue so that these poorer classes might travel from place to place at cheaper rates, but I am afraid he is cutting his own throat, he is cutting the throat of India, because I might tell him,—I see he is not in his place here,—that if

this competition is allowed to continue, the mighty British companies which have practically the monopoly of the coastal trade could easily kill the few Indian companies that are already struggling, because, as has been pointed out by the Honourable the Mover himself, immediately after the Indian companies go to the wall as a result of this competition, as they are bound to, the English companies will at once raise their rates, and that will not in any way benefit the people, and naturally the continuance of this kind of cut-throat competition will be distinctly to the detriment of the poorer people. Therefore, Sir, after listening to the arguments of the Honourable the Mover himself and also to the instances quoted by him, I have come to the conclusion that this Resolution ought to be supported by all sides of the House. With these few words I commend this Resolution.

Mr. Muhammad Anwar-ul-Azim (Chittagong Division : Muhammadan Rural) : Sir, my only justification for intervening in this debate is that I come from one of the eastern districts of Bengal which lie on the shores of Bay of Bengal—and where the Bengal-Burma Steam Navigation Company have got their headquarters now. I need not be suspected by anybody here as having any interest in furthering the cause of any indigenous shipping company there or elsewhere, though there is the shipping company by the name of the Bengal-Burma Steam Navigation Company having its headquarters at Chittagong. I was really surprised to find that some of my Honourable colleagues on both sides of the House tried to misread the purport of this innocent Resolution moved by my Honourable friend, Dr. Ziauddin Ahmad. The only point to which the attention of this House should have been directed was to find out, in the words of my friend, Mr. Sarma, some sort of working compromise with the big shipping concerns like the British India Steam Navigation Company to stop the rate war. It is far from the minds of the sponsors of this Resolution that with the help of the Government of India here they might do things which might injuriously affect the interests of others. But in any case I think, if this House wants to be logical, if this House is not ashamed of its own decision of the past few years, I think, in all logic, they ought to support this Resolution, because the Government of India by their actions have accepted the principle of coming to the rescue of Indian concerns when they find that the indigenous companies are placed in a very awkward position by these under-sellings. My friend, Mr. Abdul Matin Chaudhury, has quoted a passage from the speech of Mahatma Gandhi before the Round Table Conference, and it is a credit to Mahatma Gandhi. I know that certain people who are interested in the existence of the Bengal-Burma Steam Navigation Company did approach Mahatma Gandhi in Rangoon, because they thought that he might be able to bring to bear his wide influence on the Incheape group of shippers to come to some sort of compromise and that with the headquarters of the British India Steam Navigation Company in London for the benefit of this infant company in Chittagong, but somehow no good appears to have come out of their efforts. My only interest in this is this, that we are peaceful citizens living in the eastern districts of Bengal, and we do not like that there should be any room for race hatred, or breaches of the peace, which might lead to many bigger disasters, for I think if the Government of India, as well-wishers of all classes of people who are carrying on peaceful trade in this country, were to intervene in this matter of rate wars, they might be able to bring pressure to bear on

[Mr. Muhammad Anwar-ul-Azim.]

the British India Steam Navigation Company and do something to stop this unfair competition. There is certainly a great amount of truth in what Dr. Ziauddin has said and what my friend, Mr. Abdul Matin Chaudhury, has said with regard to the many sided activities of some of these companies in their earnest desire to get fares for their own steamers. I know, and it is known also to everybody here, that peace at certain times has been disturbed by the activities of some of the agents of the British India Steam Navigation Company and also of those of some of the indigenous companies, and if Government do not come to the rescue of peaceful citizens, I am afraid their quarrel will continue, and I do not know for how long it can be tolerated by peaceful people. Coercion and undue influence do not pay in the long run anywhere.

Certain observations were made by some speakers that some companies were in alliance with Government, but I know from personal experience that the Government of India in the Commerce Department had, at my invitation, tried to do good to this indigenous concern at Chittagong. As a matter of fact, it should be said to the credit of the Commerce Department that, on account of their timely intervention, this company was saved from a loss of about Rs. 30,000 or Rs. 40,000. So I say, Sir, if the Government of India were to kindly come to the rescue of these warring companies, they will be able to find out some *modus operandi* to stop this rate war, because I am certain the Government of India can certainly do more in this matter than any of us can hope to do either in this Assembly or outside.

My Honourable friend's predecessor, Sir Joseph Bhole, gave very good hopes to these Indian concerns, and perhaps that may
 I P.M. not be unknown to the Leader of the House. That being the case, I think, Mr. President, that this is a very fit case which the Government of India should take up and try to come to the rescue of the indigenous concerns. I do not know what is the state of affairs in the south and west of India, but I believe it is more or less the same. I, therefore, hope and trust that this Assembly will consider this Resolution seriously and support it.

Mr. Uppi Saheb Bahadur (West Coast and Nilgiris : Muhammadan) : Mr. President, I am not interested in the maritime trade, but I find one thing. This small industry is the seed of a great industry out of which India is to get her navy and her maritime power. Honourable gentlemen on the opposite side were just telling us not to mingle this industrial question with politics. I regard the question as political, because it is out of this seed that our navy is to grow, that our maritime power is to grow, and they do not want to see us becoming a naval power and a maritime power. The policy underlying this rate war is to put a stop to our naval growth. Then I was wondering why Mr. Joshi, a man who has been fighting for the interests of labour, a man who has been fighting for the interests of the poor, wanted to fix the maximum also. I heard him say that he was opposing the Resolution because my Honourable friend, Mr. Abdul Matin Chaudhury, did not move his amendment. To fix the maximum would have been helping the capitalists. (Mr. N. M. Joshi : "Passenger.") If the small Indian companies and the big British companies were to agree and levy the highest rate which the Assembly is asked to fix, then the poor man would suffer. If no maximum

is fixed, the two companies would act against each other and keep down the freight to the minimum. (*Mr. N. M. Joshi* : " They may combine.") It is impossible for them to combine, but if they do combine, then we can come and ask the Assembly to fix the maximum also. Generally, it is very rare that such companies agree to fix a maximum. (*An Honourable Member* : " It is very common.") If it is common, we are here, the Assembly is here, the Government are here, and we can certainly come and ask them to prevent the rates from going up. So I heartily support the Resolution.

Mr. B. Das : I congratulate my Honourable friend, Mr. Smith, on his able maiden speech, but I wish that he had exercised a little caution. He propounded certain outlandish principles in defining public utility concerns. He thought of railways and electric supply companies being public utility concerns, but not shipping concerns. I wish that he could get hold of a copy of the Inchcape Committee's report, wherein he will find a recommendation, a very wise recommendation which the Government have not so far accepted. Lord Inchcape recommended that one Member of the Executive Council of the Government of India should be in charge of the portfolio of communications. That Member should be in charge of railways, posts and telegraphs, inland and external navigation. I think Lord Inchcape who was himself a shipowner, a great shipping magnate, knew that these inland and external navigation were public utility concerns. I do not know whether my Honourable friend is a shipowner or a shipping magnate, but may I ask whether he does not enjoy the benefit of concessions that the Government of India confer on these shipping companies ? Does he not enjoy the benefit of the lighthouse fees and other advantages that are conferred by the Commerce Department under the various Acts that are passed by this House ? I hope the Leader of the European Group, my Honourable friend, Mr. Morgan, will rise later on to join in the debate, he being a friend who has lived in Calcutta most of his time and who knows the pros and cons of this controversy that are being again revived by this Resolution, and which, as my Honourable friend Mr. Abdul Matin Chaudhury pointed out, were so admirably and so thoroughly discussed when my Honourable friend Mr. Neogy introduced his Bill and saw it through, in which the Government agreed with every word that Mr. Neogy stated—that they are certainly serious charges, serious causes for complaint by the travelling public and the indigenous shipowners. I am sorry that my Honourable friend Mr. Joshi was so hard on my Honourable friend Mr. Abdul Matin Chaudhury. Mr. Abdul Matin Chaudhury ought to have moved his amendment and waited to see the result. Mr. Joshi does not oppose the principle of this Resolution ; he only wanted to see that the maximum rates also are fixed, and I cannot understand why my Honourable friend Mr. Reddi thinks that Government should not fix the maximum rates. I think it is the primary function of the State to fix maximum and minimum rates. My Honourable friend says that the Indian shipping companies will not survive if maximum rates are fixed, but as far as I know, the Indian shipping companies in their tariff always start with the maximum rates because they have to exist, they have to survive. I feel some sympathy with the amendment and I am sorry it was not moved. But I think Government should not play any more into the hands of European commercial interests. I am sorry that my friend Mr. Sarma should have made

[Mr. B. Das.]

that wild and fanatic speech he made on the floor of this House. He talked of reference of equality of trading rights to the Round Table Conference. He was ex-editor of a paper which we now find, fortunately for his pocket, transferred to another syndicate. My friend said that this subject is under discussion. Why did he not advise Messrs. Benthall and Villiers as to what they should do at the Round Table Conference? Did Mr. Benthall or Mr. Villiers or any of the European delegates in London bring forward the silly argument that Mr. Sarma has brought forward on the floor of this House? Here we ask a legitimate question of the Government—to exercise their right to control the cut-throat competition that my friend, Mr. Abdul Matin Chaudhury, has referred to. We are proud we have got an Indian Commerce Member and being a politician, as most of us are, he cannot forget his own training. He knows how Indian shipping industries have not succeeded in the past. Is it not a shame that European magnates will again bring out that cut-throat competition—distribution of sweets and handkerchiefs as Mr. Neogy called it two years ago and my old friend, a former Commerce Member, Sir George Rainy, entirely agreed that such incidents took place. I do hope that my Honourable friend the Commerce Member will see the justice of the demand contained in this Resolution. I do not agree with every word of the Resolution. We have to see the spirit of it, which is contained in the Bill which my friend Mr. Neogy passed in this House so successfully. It only asks one particular thing—the fixation of maxima and minima rates. It does not raise the bigger issue which was raised by Mr. Haji's Bill—the reservation of the coastal traffic over which the gentlemen who represented European interests in the Round Table Conference went wild, over which India is losing Burma. India never asked that Burma should be part of India. Burma was conquered and subjugated with India's money and Burma is being snatched away to satisfy the interests of our European friends there, the interests of the oil syndicates and the ruby mines syndicate, so that they may remain perpetually in British hands, so that Benthalls and Villiers can always exploit India and Asia.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

MEMBER SWORN.

Sir Leslie Sewell Hudson, Kt., M.L.A. (Bombay : European).

RESOLUTION RE RATE FOR COASTAL PORT PASSENGER TRAFFIC—*contd.*

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Assembly will now resume further consideration of the Resolution moved by Dr. Ziauddin Ahmad.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhamadan Rural) : Mr. President, I rise to support this Resolution, and I would have gladly supported a more comprehensive amendment of which notice was given, but unfortunately it has not been moved. I am sure

you, Sir, would be the last person to have disallowed the House to discuss a more comprehensive measure, and there would perhaps have been no opposition from the Government as well.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. I think it is but fair that the point should be explained. If Honourable Members will take care to study the rules bearing on the point, they will see that no amendment can be allowed which widens the scope of the original Resolution. I would now ask Honourable Members to read the amendment and see how far it comes within the purview of that Standing Order. It is not only that the amendment wants the maximum as against the minimum rates to be fixed for passenger traffic but it proposes such rates for goods traffic also. The Resolution is definitely restricted to minimum rates for passenger traffic, and surely Honourable Members will recognize that an amendment so far widening the scope of the original Resolution cannot but be out of order.

Mr. S. C. Mitra : Sir, my partiality for the amended Resolution was because that it would have brought it on all fours with the other Act, the Inland Navigation Act. However, Resolutions are merely advisory and if the Government is convinced by the decision of the House on this motion, there will be no bar to their bringing in a Bill that will cover the whole matter. As regards this Bill, I know that all the elected Members on this side of the House will be for this Bill, but I shall be surprised if I find any European Member supporting it. Why ? It is very natural that the European Members will oppose this Resolution, but it is not known what the attitude of the Government will be. Sir, if it was a national Government, there would have been no doubt about it, but it will be presently shown what sort of Government we now have. As regards the Members who have already spoken on this Resolution, I find that two Indian Members have opposed it, but fortunately or unfortunately both of them are nominated Members. I cannot, however, dismiss the opposition of Mr. Joshi, the Labour Member, lightly on that account. I think his over-anxiety for the masses has misled him in this matter, because it is an elementary thing now-a-days to raise that classical question about free trade *versus* protection. I do not think Mr. Joshi has quite forgotten the arguments about nascent industries ; and even a free-trade country like England is of late going under the wings of protection. In one breath Mr. Joshi was speaking of his anxiety for some control by the Government, while in the next breath he is for out and out competition. One can understand competition between equals, but it is a recognized principle even in games, amongst those who are not equals there should be a handicap before the competition can find its free play. If we go into the ancient history of Indian shipping, we know how the shipping industry in India has been crushed not always by fair means. Now speaking particularly on the point raised by Mr. Joshi, he thinks that if there is fair competition, that will conduce to the advantage of consumers. But he has been told what was the rate prevailing before the advent of the Indian company and when the indigenous shipping companies came in the field, the foreign companies at once became reasonable ; and I can assure him that if this ruthless competition is allowed to wipe out the indigenous concerns, in no time he will find these foreign companies raising their rates too high and the consumers will then be the real sufferers. So it is a suicidal policy for men like Mr. Joshi to support, for the so-called advantage

[Mr. S. C. Mitra.]

of a few months perhaps, to allow the indigenous industries to be wiped out by unfair competition. No arguments are needed to convince this side of the House on this point. At the same time no amount of argument on our side will convince the Europeans and those who are not free to vote according to their conscience on the official side ; but it is beyond all doubt that, ultimately, if this indigenous industry finds scope to develop, it always leads to the advantage of consumers in the long run, for whose interests Mr. Joshi professes to oppose this Resolution. I am particularly interested in speaking on this Resolution because in my constituency of Chittagong, an Indian company is now badly suffering from unfair competition and they are vitally interested in this question, and I know from past experience that there was a similar cut-throat competition for a long time about rates. When this House strongly supported the very same principles in the case of inland navigation, I do not see what special reason there can be for opposing the proposition with regard to coastal shipping. I congratulate the Honourable Mr. Smith on his maiden speech. I tried to follow his arguments. He very ingeniously differentiated between the railway monopoly and the steamship companies, but I could not follow him about his theories about electrical companies. Anyway he very discreetly left out the case of inland navigation Act which has been passed by this House. I hope when the Honourable Mr. Morgan will speak later, he will try to elucidate that point,—how it differs from other cases. With these few words, I support the Resolution.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Mr. President, we should have liked to hear the Government case first, and then we should have been in a better position to know how to meet it. But the question that is now under discussion or rather the principle of it has been so thoroughly discussed in this House and in the country that really very little argument is needed on our part on this occasion.

I want first of all to point out one broad fact. India has an extensive coast ; it has got some very good ports and harbours and there are other places where more harbours and ports could be developed. But this vast country, unlike any other country, has no shipping at all, or none worth speaking of, of its own. This is, to my mind, a most significant fact which the Government cannot and should not ignore. We all know that the carrying trade is one of the most important trades and a most lucrative trade of vital concern to any country. The vast carrying trade between India and the rest of the world is in the hands entirely of non-Indians. Even the coastal trade with very small exceptions is their monopoly. Sir, no nation in the modern world can hold up its head in self-respect which has no shipping industry and no carrying trade of its own either sea-borne or coastal. Sir, the destiny of India has been in charge of the greatest maritime nation of the world, the British nation, and what do we find to-day ? We have absolutely no shipping, no shipping industry and no carrying trade. Has anything been done so far to develop the shipping of India or the carrying trade of India ? Nothing at all has been done. On the contrary, big companies with large capital which India cannot easily find have stood in her way. This is, I submit, a disastrous state of things.

We on this side of the House are not hostile to British trade or British commerce. We have repeatedly expressed that sentiment. The Indian delegates to the Round Table Conference made their position quite clear on this point. But we do want that Britain should always remember in dealing with us that motto—Live and let live. We do not want to stand in the way of Britain's commercial prosperity, but we do want and we insist that India should also have full opportunities for her own industries, her own commerce and her own carrying trade.

Sir, the history of this case has been recited to you and I am not in a position to add anything further to that history. Indian opinion is solid and insistent on this subject and I do hope that the Government will take full note of the fact. The Commerce Department is now in charge of a brilliant Indian with whose career I am perhaps more familiar than anybody else in this House. I know he is a great advocate. I have known him from his younger days when he was just beginning to make his mark in the profession and I know very well that there is no case, however hopeless or bad it may be, to which he cannot lend plausibility by his eloquence, by his rhetoric and by his ingenious arguments. But I wish to tell him that as a Member of the Government his business is not to examine the wording of the Resolution meticulously and to say this will not do or that the implication of this Resolution is impracticable. That sort of argument will not hold water in this Assembly and I do hope he will avoid altogether that line of argument which may be all right in court but has no place in this Assembly. Sir, I know what he will say. I think I can fairly anticipate what Sir C. P. Ramaswami will say. He will say that if you are going to fix a minimum rate, all sorts of difficulties will arise. There will be many possibilities of evading it. He will say : supposing you fix the minimum rate, the tickets will be issued at those rates but the company, after issuing the tickets, may make a present of that amount to every passenger or distribute sweets and handkerchiefs to which reference was made by Dr. Ziauddin. That sort of argument will not do. The Government must look at what this Resolution really demands from the broad political and economic point of view. The principle underlying the Resolution is this ; these big companies, English or foreign, should not be allowed to stand in the way of India developing her own shipping industry and her own carrying trade on the coast. That is the point. We have no company which can possibly compete with a company like the British India Company, but it is absolutely vital for this country that we should be allowed an opportunity to start shipping companies which will carry on the coastal trade. It must not be the monopoly of only one nation, even though it be a friendly nation and a nation with which we have such close relations. They must realise that India must also live, that Indian people must also be able to raise their heads in the comity of nations. Sir, that is the fundamental point which we have got to bear in mind in dealing with this Resolution. And if the Government pay any heed to public opinion in the country, they will be well advised not to brush aside the Resolution and say that we cannot accept it because there are all sorts of technical difficulties. We want all those difficulties to be met and it is not beyond the ingenuity of Government to find out the ways and means of meeting those difficulties. We are in a position to suggest many methods by which whatever difficulties there are in fixing the minimum rates can be surmounted. There may be other means. Let there be an inquiry into the matter. Let a committee

[Sir Abdur Rahim.]

be appointed to inquire into the matter and lay down the proper policy. That is what the Resolution wants and it is not merely the wording of the Resolution with which we are concerned. It is with the principal object behind the Resolution that we are concerned and it is that we have to look to and which the Government ought to be able to carry out. Sir, I was rather surprised that my Honourable friend Mr. Joshi should have declared his determination to oppose this Resolution because it did not include the amendment which was intended to provide also for the maximum rates. Sir, you have pointed out, and I wish Mr. Joshi was here to hear you, the difficulty in the way of the amendment. It was really out of order. That in itself is conclusive, but there are other reasons also. If the amendment was allowed to be moved, it would have raised a much wider question with which we are not concerned at present. It would have almost taken us to the borders of communism which the House would not be inclined to discuss. That was a very good and substantial reason why my Honourable friend Mr. Abdul Matin Chaudhury did not move his amendment. I am very glad that my Honourable friend Mr. Joshi has just come in and I wish to appeal to him to reconsider his decision. We attach great importance to the cause which he represents in this House and I do hope that in course of time his cause will gather many more supporters and will be represented by many more Members in this House. I am very much in earnest that the cause which Mr. Joshi represents now will be supported far more largely than it is at present. I would say to him only this, I want him to remember that the Chair has ruled that the amendment has a wider scope than the Resolution itself and could not be allowed. It was ruled out of order. That is the one reason and the other reason which I just mentioned to the House, the more substantial reason was that the amendment would have raised issues of far more comprehensive and complicated character than the Resolution itself. In that light I should like Mr. Joshi to reconsider his decision. I should like to point out to him that if a shipping industry and a proper carrying trade is established in India, that will redound far more to the advantage of the masses in the long run than the present state of things. It has been pointed out that directly the smaller companies struggling for existence were put out of life, the rates were increased at once. Naturally so, because that was the very object of this monopoly. But can that be to the advantage of the general public? Most certainly not. It is the general public, the masses and the poorer people who have to travel from one place to another whose interests Mr. Joshi has at heart. I ask, is it not in their interest that this monopoly should not be allowed to continue any longer. Sir, I do not think I should be justified in taking up any more time of the House, but I would ask the Honourable Member in charge of the Commerce Department not to say, 'no' to this Resolution, an irrevocable 'no'. It is not a matter which can be irrevocably shut out. It is a matter which is going to be fought out from day to day and I hope it will be properly fought out at the Round Table Conference. The Honourable the Commerce Member might say, 'yes, it is the concern of the Round Table Conference and let it go before the Round Table Conference'. I think I made it quite clear the other day that we, the Members of this Assembly, are not going to be treated in this way : It is our duty and right to speak out on behalf of the public and it is for this purpose that we have been sent here.

We have to insist upon the Government to listen to us, to listen to the public demand. Sir, if Government turn a deaf ear to us, if the Government say 'no', and say, this state of things, this 'free trade' and this *laissez-faire* must continue, then in that case, they will find that whatever conferences they may hold, it will have very little effect on this House. Sir, it may be that we are more or less helpless in the matter, in this sense that we are not in a position to start big companies in order to compete with the British India Steam Navigation Company, or other companies like that. But there are other remedies which weak people have and they may have to resort to those remedies sometimes, if they are driven to it, if no other course is left open. I hope the Government will not drive them to have recourse to a remedy like that. Surely this is a very serious position and in fact I would not have taken part in this debate and taken up the time of the House in arguing this matter, if I did not feel that it raised a very serious question indeed requiring serious and careful consideration of the Government.

Sir Leslie Hudson (Bombay: European) : Mr. President, I rise to oppose this Resolution. I regret that as I have but just arrived in Simla my absence from this House this morning has prevented me from hearing in full the arguments which have been put forward by the Mover and his supporters. But, it seems to me, Sir, that looking at this matter from a general point of view, it cannot be to the interest of any one that there should be any fixation of rates, minimum or maximum. The underlying point of trade is efficiency and if there is to be fixation of minimum rates, it must do away with efficiency. Interested people will take advantage of fixed minimum rates to furnish service of a minimum efficiency and there they will stop and they will take no trouble towards improving their methods of transport or organisation and so forth.

I understand that certain references have been made to the competition of the British India Steam Navigation Company, with a company that is working from Chittagong. The Chittagong to Burma service, I am informed, has been in working for some years past in connection with the postal contract, which the company referred to carries out for the Government. The passenger trade from Chittagong to Burma is not a very big one, but it appears that it occurred to certain parties a few years ago that there might be enough of this small orange to cut up and another line of ships was started in competition. Now, Sir, fair and free competition is certainly for the benefit of the public. It is for the benefit of the public in that they are enabled to obtain the lowest possible rates for their own transport and for the transport of their goods. But that can only be if there is fair competition. It is not fair competition when an opposing line takes such steps to interfere with the trade of their competitors as to inform intending passengers that if they travel by the British India Steam Navigation Company, they would not be able to obtain employment in Rangoon, that they would be refused shelter everywhere, that they would be ostracised by their fellow countrymen, a system of tyranny which I take it is very similar to the boycott which is at present administered to people in the Presidency from which I come, that they would receive no assistance in distress and that they would receive no attention in sickness, that they would be denied the use of the burial ground and that the maulvis would refuse to recite the last

[Sir Leslie Hudson.]

funeral prayers for them. Mr. President, I maintain that that is not fair competition. Proof can be brought forward that such arguments were used and are still in use ; not only that, but personal violence has been laid upon people who were strong minded enough to still insist on travelling by a company by which they have travelled and with whose service they have been satisfied for many years. I do not wish to stress this point, and I would sooner deal with the argument in its general sense and that is that you cannot have efficiency, and efficiency is what we all want, even those of us who are so desirous of seeing the coastal trade of India entirely under the Indian flag.

I think, Sir, that I am correct in stating that a minimum rate was fixed by Government in another direction and that
 3 P.M. the outcome of that fixation turned out to be most disastrous to the people whom it was intended to help, that is to say, the shippers of agricultural produce. I do not think, Sir, that the broader question of the coastal reservation should be brought into this debate. The debate is on a specific item of the fixation of minimum rates on the carriage of passengers in coastal lines, and I would again reiterate that such fixation will not react to the benefit of the people whose first consideration this Assembly should have, that is to say, the passengers themselves.

The Honourable Sir C. P. Ramaswami Aiyar (Member for Commerce and Railways) : Sir, let me at the beginning thank the Honourable the Mover of the Resolution for the very reasonable manner in which his argument was couched. It will also be my duty, speaking for the moment entirely personally, to acknowledge with thanks and gratitude those very kind words which fell from the Leader of the Independent Party when he indulged in pleasant,—shall I dare to call them pleasant or shall I call them partly unpleasant ?—reminiscences of the days when I used to practise before him when he was a Judge, and a very distinguished Judge, of the Madras High Court. He made an appeal to me and paid a left-handed compliment regarding the manner in which I would make the worse appear the better cause. Let me assure him at this stage that while acknowledging that tribute I do not propose to follow that programme. May I commence by saying immediately that Government are not opposed to the root idea of this Resolution. When I say that I mean this, that Government are particularly anxious to facilitate the growth and the expansion of the coastal trade of India in so far as that coastal trade is operated by Indian agencies and through the instrumentality of Indian capital. Having said that I am absolved from answering those other observations which fell from another quarter of the House when one or two Honourable Members referred to the possible and very great contrast between the statements that were made by me in another capacity at the Round Table Conference regarding trading rights and my attitude as a Member of Government. I am happy to say that the Government of India are solicitous of giving the utmost encouragement to the coasting trade of India. But,—and unfortunately there is often a “ but ” in these matters and I only hope that when I conclude my few remarks the “ but ” will not be taken to overwhelm the previous portion of my speech,—the only point that I am going to make—the line I am going to take is this that it is not possible for Government, for the reasons which I shall presently

indicate, to start legislation or action on the lines indicated in the Resolution practically at once as is suggested. Let me go into the history of the matter and the attitude of Government ; and before doing so let me point out that the passenger coastal trade of India is confined to three routes,—what has been called the coastal trade of Bombay-Sind which really absorbs one million passengers out of a total of nearly 1,800,000 passengers in all ; then there are Calcutta-Burma and others which may be called the Burma coastal traffic, and then the Madras and Coromandel traffic also to Burma. In regard to these routes and analysing the particulars what we find is that the great bulk of the passenger traffic in the Bombay Presidency is carried by the Bombay Steam Navigation Company who have 20 small steamships and the Indian Co-operative Navigation Company which has a small fleet. Although there is competition between the Bombay Steam and the Indian Co-operative Companies, there do not appear to have been any destructive rate wars there. At all events the Commerce Department have no knowledge of such rate wars. The complaints that have been received and indeed the gravamen of the charges made by the Honourable the Mover of the Resolution related to the trade between Burma and Bengal. Let me *in limine* deal with the question of Burma. If and when Burma becomes separated from India this would cease to be a coastal trade altogether. The question would thereupon assume a different shape and a different complexion. It would be a matter between Burma and India dealing practically independently, and as separate entities, and for that reason any steps that are now being taken will not really be effective for the purpose aimed at by the Mover ; and that is why there is a very great deal in the argument which fell from some quarters of the House but was treated, if I may use that expression, with scant courtesy, namely, that the proper way of dealing with this matter is by a kind of arrangement, a *modus vivendi* between the various agencies concerned. No legislation by India would be really effective if Burma were not to be bound by such legislation. It is not necessary for me to go back to the negotiations and the history of what may be called the coastal traffic question. It is not necessary for me to refer to Mr. Seshagiri Iyer's efforts, to Sir Purshotamdas Thakurdas's efforts and to Mr. Haji's efforts. But I shall content myself with referring to the great endeavour made during the Viceroyalty of that illustrious statesman Lord Irwin to bring about some kind of arrangement, some kind of compromise, between the British India Steam Navigation Company and certain other companies for the purpose of ending the kind of feud that exists and arriving at a compromise which will be useful and profitable to all parties concerned. That conference was inconclusive but at that time Government made it abundantly clear that they were not going to rest there. They do not even now propose to rest there. They still hope that it will be possible to bring the parties together and to arrive at a compromise. That is the only way in which this problem can be finally and satisfactorily solved and that is the reason why some stress was laid on the Round Table Conference as a means of bringing the parties together when the whole question of the future of British commercial relations with India is being deliberated upon. It is not for the purpose of brushing aside the opinion of the House or of treating this House,—which undoubtedly is largely representative of India,—with unconcern that a reference to the Round Table Conference was made : and, moreover, in the Round Table Conference itself a very important step was taken by the representative of the European community in regard to this policy of

[Sir C. P. Ramaswami Aiyar.]

harmonious co-operation for the purpose of arriving at fruitful results. Let me quote the remarks that fell from Mr. Benthall. Speaking on this matter when the question arose in the Round Table Conference, Mr. Benthall stated as follows :

“ To ensure a fair deal for small Indian companies Government would be fully empowered to exercise control over rates so as to ensure that a weak company would not be squeezed out by a strong company cutting rates unfairly.”

That was the statement made by Mr. Benthall speaking on behalf of the European community at the Round Table Conference. I am only quoting it for the purpose of showing that the members of the European community represented at the Round Table Conference were alive to this circumstance, that cases may arise when if there was a rate war of an unfair or discriminative or murderous character, it is possible to take action and that action will not be regarded as out of the range of practical politics.

But there is one aspect of the matter which has to be considered and with the great forensic skill of the Honourable the Leader of the Independent Party that point has already been made. It is all very well to talk of fixation of minima rates ; but I have the authority of one of those concerned in this trade itself for saying that he does not consider that the fixation of minima rates would really meet the situation as what are really complained of are hidden rebates and concessions.

Mr. B. Das : Would you kindly give us the name of that individual—whether he represents an Indian or European Chamber of Commerce ?

The Honourable Sir C. P. Ramaswami Aiyar : He is an Indian.

Mr. B. Das : What is his name ?

The Honourable Sir C. P. Ramaswami Aiyar : I do not propose, with all respect to my Honourable and learned friend, to disclose the name.

Sir Abdur Rahim : Then, what weight does it carry ?

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : May I know whether it was with reference to the passenger trade or goods traffic ?

The Honourable Sir C. P. Ramaswami Aiyar : That particular statement was with reference to goods traffic.

Mr. K. C. Neogy : This Resolution has nothing to do with goods traffic.

The Honourable Sir C. P. Ramaswami Aiyar : It is rather easy to dismiss it that way ; but I should like to know the difference between hidden rebates and concessions in passenger traffic and in goods traffic. If a passenger going on a particular steamer is given a handkerchief or sweets as suggested by the Honourable the Mover of the Resolution, or if a certain rebate or extra concession is given in the case of goods, does it matter very much ? What is the real distinction ? I am only concerned to point out that the fixation of minima rates alone is a very ineffective means of dealing with this matter, because it can very easily be evaded if people are anxious to evade.

Thus, while it is perfectly true that the Government, as indeed is apparent from Sir George Rainy's declarations on the subject and from his

speech during the progress of Mr. Neogy's measure and his later declarations, are anxious to facilitate coastal trading, they do not consider that the fixation of minima rates is going to serve the purpose which the Honourable the Mover has in mind. What I really wish to emphasise very strongly is this : that this particular question is bound up as a matter of practical politics with the question of the separation of Burma. If Burma is separated then this question really becomes academic as a legislative proposition ; and it appears to me therefore that it would be an apt matter for the purpose of negotiations between the interests concerned for the purpose of arriving at a *modus vivendi*.

Secondly, I wish to re-emphasise what I have already stated, that there is, and I still hope there is, a possibility of settlement in this matter and there is one more aspect to be considered. Supposing you fix minima rates, there is such a lot of shipping idle in the world just now that many will rush in and there will be competition which will be enhanced instead of being lessened. A number of companies will be started as we know from experience in other branches and spheres of business ; and many of these may not be substantial and a kind of debacle will result as it will be difficult at all times to compete as against companies more powerfully organised and having more capital behind them. I do not mean for a moment to say that the particular allegations made by the Honourable the Mover are correct or that the allegations to controvert them on the other side are correct—we are not called upon to decide this question now and here—but we do know that there has been a rate war ; there is no getting away from that. It is also true that there are obvious limits to Governmental interference where competitive struggles take place although when they transcend certain boundaries they may become matters of public policy, and Government may have to step in. All that I wish to point out is that the method now proposed will probably enhance the evil by encouraging the initiation of mushroom companies which will really not have any substance and might further attract towards this trade a lot of shipping which is now lying idle in the world to-day. If this happens the last case will be worse than the first.

For all these reasons the Government are not at present prepared to take legislative action in the direction indicated in the Honourable the Mover's Resolution ; but let me end as I began, by saying that the Government are anxious to explore all possibilities of making the smaller Indian concerns thrive and live and will spare no efforts to bring about by settlement, if possible, and otherwise if settlement is not possible, the result which everybody has at heart. (Cheers.)

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadian) : Sir, I have listened with very close attention to the extremely sympathetic but non-committal speech of the Leader of the House and which once more illustrates what the Leader of the Independent Party pointed out, that my friend is a past master in making the worse appear the better reason. He told us in plain words, that there are certain defects in this Resolution, because if he were to fix minima rates it would draw into the vortex of competition a very large number of companies and that the very object which this House has in view would be defeated by this increasing competition.

As my friend, Sir Abdur Rahim, clearly pointed out to this House in terms unmistakable and unambiguous, the details of this Resolution were of no moment so long as its main purpose was kept in view. We

[Sir Hari Singh Gour.]

know from our forensic practice that if we wish really to laugh our adversary out of court we take up one detail, hang it up and say "Behold this picture which has been presented by my learned friend, the advocate on the other side"; and as often as not the jury forgetting the real issue before them are laughed into giving a verdict for the counsel who laughs his adversary out of court by giving and ridiculing a few details that might occur in the course of his argument. My learned friend, the Leader of the House, has on this occasion followed that course. If he really wanted to deal with the question in a spirit of broad statesmanship, his reply should have been "I am not committed to the details of your Resolution, because I consider that these details are unworkable; but I accept the principle of your Resolution and I shall explore all possibilities for giving effect to the main purpose you have in view". And that, I submit, would have been the course which the Honourable the Leader of the House should have taken in view of his professed sympathy with the main purpose of this Resolution. My Honourable friend has really been drawing a red herring across this simple proposal. It is a very old question. In the very first Assembly we tabled a Resolution and Honourable Members will find that a committee was appointed on which Sir Arthur Froom, one of the Superintendents of the Peninsular and Oriental and the British India Company, was a member. Let me recall a few passages that occur in that report which are apt to be forgotten and to which my Honourable friend, the Leader of the House, has not even made a passing allusion. I suppose the reason for it was that this is a book which contains a number of pledges made and pledges broken, and, therefore, my friend was extremely wise in not referring to this very inconvenient document. Let me explain to Honourable Members what this committee was. The terms of reference of the Government to this committee contained *inter alia* clause 4 to the following effect:

"For the encouragement of shipbuilding and of the growth of an Indian Mercantile Marine by a system of bounties, subsidies and such other measures as have been adopted in Japan."

Then at pages 20, 24 and 27 of this report, they deal with the very purpose we have in this Resolution under discussion. The report says:

"At the same time it is not difficult to see that the system of deferred rebates and rate-wars must operate as an obstacle to the entry of new comers. These two systems have, therefore, been strenuously assailed by practically all the Indian and European witnesses who appeared before us."

Then, at page 24, we find the following:

"The present is, therefore, an opportune moment to re-open the question. The coasting trade of a country is regarded universally as a domestic trade in which foreign flags cannot engage as of right but to which they may be admitted as an act of grace. It is admitted that the policy of British Dominions or Possessions in regard to their own coasting trades must be determined by their local interests, and we are of opinion that in the interests of the growth of an Indian Mercantile Marine it is necessary to close the coasting trade of this country to ships belonging to the subjects of foreign nations."

Then it passes to review the history of the coasting trade of the British Colonies which, as is well-known to this House, is a history of protection of their own domestic vessels. And then at page 27 we have this pregnant sentence:

"As an ideal to be worked up to eventually we accept the above definition but for the present we do not consider that it is capable of practical realisation in full."

What we wish to provide for in our coastal trading regulations is that after a time the ownership and controlling interests in the ship or ships for which licenses are required shall be predominantly Indian and we think that this qualification should be held to have been fulfilled if a ship conforms to the following conditions :

- (a) That it is registered in India,
- (b) that it is owned and managed by an individual Indian or by a joint stock company (public or private) which is registered in India with rupee capital, with a majority of Indians on its Directorate and a majority of its shares held by Indians, and
- (c) that the management of such company is predominantly in the hands of Indians."

These are the recommendations made by this very strong committee appointed in 1923, and one of the members was deputed to go to Japan and to report to the committee the result of his investigations in that country. He went there, but unfortunately he found that Yokohama had been wiped out by the earthquake. He then proceeded to Tokyo and collected this very useful memorandum which he presented to the Mercantile Marine Committee. I do not wish to explain to Honourable Members all the details, but let me point out to them that the Japanese Government within a period of twenty years have constructed a navy and a mercantile marine second to none in the world. And that has been brought about by preferential treatment, by the grant of substantial bounties and subsidies amounting to no less than about a crore and a half of rupees and by fixing certain rates and otherwise encouraging the development of domestic shipping. Now, I wish to ask the Honourable the Leader of the House that since 1923 when this recommendation was made and when pointedly a reference was for the reservation of the coastal trade to indigenous vessels and the development of a mercantile marine along the lines I have indicated, what action has been taken from that date up to this day? We have been quoted extracts from certain speeches delivered at the Round Table Conference. Sir, the Round Table Conference has been trotted out as if it were a political gospel for India. Well, we shall live and see how far the Round Table Conference justifies the reputation which its sponsors give of it. But what we are concerned at the present moment is not with the broad question of the remote future as to the control of the coastal trade in India by the Indian vessels; what we are concerned with at the present moment is how to keep the wolf from the door. We find at the present moment four indigenous companies struggling to live against a powerful combine whose unfair competition has brought their very existence into jeopardy. That is a fact which my friend the Honourable the Leader of the House has frankly admitted, that a strong and bitter tariff competition is going on between these struggling companies and a well established old company that has virtually for half a century if not more obtained the monopoly of the coastal trade in India.

The Honourable the Leader of the House has been told that other companies have been extinguished by a similar rate war, and that unless the Government immediately step into the breach, the peril from which the other companies could not escape is now threatening the very lifeblood of these four companies, and that is a short question upon which this House is called upon to record its verdict. We are not here going into the high ethical doctrine of compromises between rival interests in the remote future or of the contingency of what will happen if Burma is separated from India. Those are all questions which may be consigned to the limbo of the future. What we are concerned with at present is the immediate danger

[Sir Hari Singh Gour.]

that is threatening these indigenous concerns and the action that Government propose to take for the purpose of safeguarding their interests.

I think the Mover of this Resolution and everybody else who has spoken on that subject on this side of the House has that in view and nothing more. (Hear, hear.) I quite recognise that there has been a discordant note struck by my old and esteemed friend Mr. Joshi who is more fond of sweets and handkerchiefs than of indigenous shipping. (Laughter.) He told us that he would be whole-heartedly in favour of this Resolution if not only minima but maxima rates had been asked to be fixed. But that would have defeated the very purpose for which this Resolution has been moved, because, as the Leader of the House has pointed out, if there are any objections to any detail that you suggest, the objection would be redoubled if you are to fix up both the minima and maxima rates. These questions are matters of detail, and I submit that the principal point that has been made by the protagonists of this Resolution, the Mover and all other speakers, is the point that on account of this freight war and cut-throat competition of the old established vested interests, which have grown up under the patronage and with the direct subsidy and assistance of the Government of India, the new enterprises are suffering and are in death throes. In that I submit they require assistance, but of what kind we do not know. You are experts in these matters. You have expert advice at your hands, but so long as the purpose of the Resolution is served, namely, that this competition is abated and the existence of these indigenous companies is not seriously imperilled, we shall be satisfied. Is the Honourable the Leader of the House prepared to give an undertaking to that effect? If he does, we are at one with him.

Sir Cowasji Jehangir : Mr. President, I would first like to welcome Sir Leslie Hudson to this House, not only because he is a very old friend of mine, not only because he happens to come from my Presidency, but specially because I feel sure that he will be a tower of strength to his own Party and to the House. But I regret that on the very first occasion that he has spoken I have not the pleasure of agreeing with him. I would also like to apologise to my Honourable friend Mr. Smith who was making his maiden speech this morning, for having interrupted him, but I may congratulate him on the fact that that interruption did not have the slightest effect upon his flow of eloquence.

Now, Sir, coming to my old friend Mr. Joshi, who is the only representative of labour at present in this Honourable House, I regret to say that he appears to me in his anxiety to protect the interests of the labouring population who form the bulk of the passenger traffic, to have confused the issue. The issue really is, whether we want or are in favour of a monopoly, or whether we want real competition. It is because we desire real and true competition which will give my Honourable friend and his many constituents the lowest possible rates when using the ships, that we urge that there should be no monopoly.

Mr. N. M. Joshi : Then you must have cut-throat competition, you cannot escape it.

Sir Cowasji Jehangir : No. Cut-throat competition means for a time getting the benefit of freight under cost, which will only result in profiteering later on and which will cost my Honourable friend and

his constituents a hundred times more if he pursues a penny wise and pound foolish policy.

Now, Sir, this is a simple question. This is not a racial question, this is not a question of discrimination. This is a question of whether the Government and the public are going to allow a monopoly. There are three main kinds of monopolies. One is the monopoly which the Government has itself and which is exercised under statute for the benefit of the nation. The second is the monopoly which the Government grants under licenses and regulates ; and the third is the monopoly which powerful companies obtain by their strength in finance, and by having come into the business before anybody else had a chance. It is the third kind of monopoly that this Resolution is trying to aim at. It is just as great a monopoly, just as effective a monopoly, as the monopoly exercised by the Government under statute, or the monopoly exercised by companies under license from the Government. But it is a monopoly which up till now neither the Government nor the public have been able to break, because it has behind it no license, no law, but merely circumstances and financial strength.

Mr. N. M. Joshi : Why not make it a public property ?

Sir Cowasji Jehangir : Do we desire to have such monopolies ? The Honourable the Leader of the House read out a principle laid down at the Round Table Conference, and enunciated by the representative of the European community in India. That is exactly the principle that we are trying to enunciate here to-day and asking the Government to put into practice. No company, no organisation shall by its financial strength deliberately keep out a growing industry or kill a growing industry. It is not a question of European or Indian. It may be that years hence an Indian company may acquire some kind of monopoly in another trade, and it will be the duty of the Government to see that that monopoly is broken. It is bad for the Government, it is bad for the people that such a monopoly exists to-day. Have certain shipping companies deliberately lowered their rates to such an extent that they kill all competition ? Is that a fact or not ? It is a fact I am told. It has been said for years and years that that is a fact, and I have before me serious complaints from Bombay that it exists to-day even on the Western side of India. If that be really so, is it not the duty of the Government to take steps against it ? The point that was discussed at the Round Table Conference was discrimination. I contend that there is no element of discrimination in this case. It is a question of private monopoly. It may be that the best method of breaking this monopoly may not have been given expression to in the Resolution before us, but it is the only method that strikes us after mature consideration, after many conferences, after having seen an amount of evidence on this question within the last number of years, and I do think it is a practical method. We know that a coach and four can be driven through many a law that this Legislature may enact ; but the more experience we gain after an Act has been in force, the more are we able to make provisions against the breaking of such laws. Now, Sir, as to passenger traffic, if you do have a minimum rate, and I remind my Honourable friend Sir Leslie Hudson that when he spoke of a minimum rate he confused it with the fixing of rates, it does not mean fixing the rates at certain specific figures. May I also point out to him that it has nothing to do

[Sir Cowasji Jehangir.]

with efficiency. We say that you shall not take less. We do not say that you shall not take more. If we said that you shall not take more, I can understand the question of efficiency being effected but if we say you shall not take less and that you shall not rob yourself, I do not see where the point of efficiency comes in. I think my Honourable friend went a little off the rails when he talked of efficiency. At any rate, if there is a minimum rate laid down, companies may be able to evade it by concessions but cannot Government make those concessions illegal and make them penal. Surely, a legislature and a powerful Government, as I see opposite to me, can enact a law and enforce that law. Sir, the principle that we have tried to enunciate for years and years is a principle well known all over the world, that a monopoly not sanctioned by Government or by the Legislature shall not be allowed to exist if it hampers the growth of an industry and in this case unfortunately it keeps out the sons of the soil. It may be that the tables may be turned 20, 30, or 50 years hence when there may be a monopoly in the hands of Indians keeping out Englishmen in the same way and then I feel sure that every Honourable Member from the European Group will protest against these illegal monopolies. I am sure Mr. Morgan's successors will be the first to protest and let me again remind the House that this question has nothing to do with discrimination. That will be discussed and I hope and pray that the Round Table Conference will come to a definite decision acceptable to this Honourable House. I am prepared to admit that my Honourable friend the Leader of the House has given a sympathetic answer, I also regret to have to say that we have got accustomed to hearing such sympathetic answers in such vague and wide terms. I fully realise that my Honourable friend sits on those benches only for a few months and that he is powerless. If he had been a permanent Member of Government, we might have heard perhaps a different kind of speech and, therefore, I have not the heart to complain against the speech he made. He could not do otherwise ; but we look forward to the time when he will cross the floor of the House and will place at the disposal of the Opposition his eloquence, his ability and above all his tact, and by means of that tact obtain for us the principle that underlies this Resolution. Now, Sir, although we have received this assurance, I do believe the time has really arrived when some sort of Resolution might be passed in this House with the full approval of Government and the time has arrived when Government should take action. Will the Honourable Member who has another right of reply give an assurance that if this method does not meet with the approval of Government, he and the Government will seriously consider some other method and will wait no longer but place that other method before this Honourable House. Merely saying that he hopes that this grave question can be solved by mutual agreement is, I am afraid, giving us little hope and I assure him that the complaints, the bitter grievances in this connection, in my part of India are voiced as strongly and as earnestly as they are in other parts and if he is under the impression that the Bombay Presidency is perfectly contented and happy with the present situation, I am afraid he is mistaken, for I have before me certain letters and certain Resolutions which show that rightly or wrongly the infant shipping companies in Western India feel that they are being crushed out of existence by the powerful monopoly which exists and with which

my Honourable friend Sir Leslie Hudson was once connected. I feel sure that his speech was not due to that past connection but was due to conviction and that he desires that as the company to which he belonged looked up to Government for support and help in the days of its infancy, and got that support and help so far back as the time of the East India Company, the same support should not be denied to Indian companies. I hope that in future, as a non-official Member of this House he will support the interests of infant growing shipping companies in India.

Mr. K. C. Neogy : I am sorry that I cannot share the exultant mood of my Honourable friend, Mr. B. Das, when he referred to the fact that we have got an Indian Member in charge of the portfolio of Commerce and Railways. Much as my Honourable friend, Sir C. P. Ramaswami Aiyar, is welcome to this House, I have a shrewd suspicion that there is a sort of subtle diplomatic advantage from the point of view of Government in having an Indian in charge of this particular portfolio. When the announcement of the appointment of my Honourable friend's immediate predecessor in charge of this portfolio was made, I harboured a misgiving of some kind. Ottawa was looming very large. There was the question of a Statutory Authority for the Railways, and here certainly the assistance of an Indian Member in charge would be very valuable from the point of view of Government !

Now, having heard my Honourable friend's speech on the present occasion I think I was not altogether wrong in harbouring such an apprehension. My Honourable friend's tenure being so very short, I think the role which he generally takes up during his incumbency of a Government office is that of a Government advocate in charge of a particular Government brief ; and it is in that spirit I dare say that my Honourable friend was speaking while replying to this Resolution. A distinguished lawyer as he is, he will permit me to say that I was rather disappointed with the arguments that he advanced against this Resolution. He did me the honour of making a casual reference to a particular measure which it was my privilege to place on the Statute-book dealing with an analogous subject. Now I expected him, a subtle lawyer as he is, to tell this House in what exact respects the principle that underlay that particular measure differed from the principle to which adherence is sought by this Resolution. (Hear, hear.) Now my Honourable friend has trotted out certain difficulties. I may tell him, because he was not in the House when my particular measure was under discussion, that none of those difficulties were overlooked or forgotten. Therefore, when the Legislature deliberately placed that measure on the Statute-book, they thought that the difficulties were not of an insuperable character. Now let me refer to the question of hidden rebates. Does my Honourable friend realise that it is far easier to go in for a policy of hidden rebates in the case of goods traffic than in the case of passenger traffic ? May I tell him that we had a general discussion with regard to this question in committees and elsewhere when my Bill was under discussion ? A secret rebate ceases to be secret if it is given publicly, as in the case of passenger traffic, either in the shape of sweetmeats or distribution of handkerchiefs. I dare say my Honourable friend realises this. The question of hidden rebates really arises in connection with the question of goods traffic. There may, for instance, be a contract with a big firm which seeks tonnage to the effect that although the nominal rate is such and such, which is well above the minimum, if

[Mr. K. C. Neogy.]

the volume of traffic exceeds a particular figure, then there will be a secret rebate granted at the end of a particular period, say one year or so. That is really the occasion for bringing secret rebates into operation to defeat the fixation of minima rates ; and when my Bill was passed into law, the view taken was this : " let us deal with the evil as it stands to-day. If the question of secret rebates arises in the future, certainly the Legislature has got sufficient authority to counteract that." It is no use trying to draw a red herring like that across one's path unless we know as a matter of fact that this evil has arisen and has got to be grappled with. Now the other point made by the Honourable Member was that if you fix your minima rates, that would be an invitation to incompetent people—people having no financial backing—to come forward and enter the lists, with the result that there would be disaster all round. Certainly, that also was a point which did arise in connection with my measure ; and as the Honourable gentleman knows, that certainly was not considered to be an insuperable difficulty. As a matter of fact what we want is a certain amount of competition. We do want competition, fair competition, as the Honourable gentleman from Bombay, Sir Leslie Hudson said,—fair and free competition. It is really unfair competition to which we object and which we want to be made illegal. Now, what are the circumstances in which Government action is permitted under my enactment ? May I read out just a few lines to show the circumstances in which action could be taken by Government. It is a very brief provision, and Honourable Members will find in one of the clauses the condition laid down which is as follows :

" The Governor General in Council shall not fix any minimum rate * * * unless he is satisfied that the rates charged on any inland steam vessel or group of such vessels in respect of such passengers or goods have been reduced to such an extent as to disclose an intention to force any other inland vessel or group of such vessels to cease from carrying such passengers or goods."

I am sorry, my Honourable friend, Sir Leslie Hudson, is not in his seat at the present moment. I wanted to put it to him as to whether he could justly take exception to Government action being taken in that particular circumstance. He seemed to me to maintain that there is at the present moment fair and free competition and that what this Resolution is aiming at is to ask Government that they ought to interfere with that free and fair competition. Nothing of the kind. What this Resolution wants to do is to arm Government with the authority to intervene if a dishonest intention like that is disclosed in any particular case. And I may tell this House that the procedure laid down in my measure is that if a company feels aggrieved by any unfair competition on the part of a competing firm, it is up to it to come up to the Government of India and the Government of India has to appoint a kind of committee of inquiry to investigate the matter of such a complaint and it is only after the report of that inquiry committee is received that the Government would take any action by way of fixing minima or maxima rates. I may also tell this House that since my measure was passed into law one case did actually arise under that provision, in which case a reference was made by Government to a very competent committee presided over by no less a person than Sir Narasimha Sarma, who adorned those Benches not very long ago. And yet that Committee found that there was a good deal of substance in the complaint made, with the result that minima rates were actually fixed by Government by means of a notification in the Gazette of India. Now can any fair-minded person in this

House--and when I say 'fair-minded person' I include the members of the European Group, I think I may do that--can any fair-minded person in this House raise any serious objection to that procedure being adopted in this particular case? Now my Honourable friend, the Leader of the House, referred to an alternative method of settling these disputes. He said there can be negotiations, there can be friendly arrangements and that the Government will lend their good offices for the benefit of the infant concerns which may feel aggrieved by reason of unfair competition on the part of any powerful combine. Now, as my Honourable friend has referred to an anonymous friend of his (Laughter), I also shall take the liberty of referring to a friend of mine who shall be anonymous for the time being.

I will ask my Honourable friend to look up his official records when he goes back to his office and find out whether what I am stating now is correct or not. I ask him to find out whether it is not a fact that in May last there was a gentleman, a very well known gentleman interested in shipping, cooling his heels in Simla for weeks, waiting the pleasure of the representative of a very powerful combine against whom his concern had preferred certain complaints and in which case also the then Member in charge had suggested the other alternative method, namely, negotiations and friendly arrangements. And may I ask him also to look up the records and find out whether it is not a fact that the Government with all the power and authority with which they are clothed were finding it difficult to get the attendance of the other party--a representative of the other company, to come to Simla to discuss certain matters in the presence of the Member in charge. Will the Honourable Member also look up his records and find out whether it is not a fact that that friend of mine, who shall still be anonymous, was actually asked to accompany my Honourable friend's immediate predecessor to London in search of a more congenial atmosphere for that friendly conference to which he is looking forward with such great expectations. I thought that the Government had some sense of dignity about them. They should not run after my Honourable friend Sir Leslie Hudson's past principals for the purpose of seeking a conference, as they appear to be doing sometimes. Why cannot they come up to this House if they really feel that there is justice in a particular cause? A straight way lies to this House. Come up to this House and ask for any powers that you like, and we will not be chary in granting you powers when those powers are sought in Indian interests. Sir, my Honourable friend said that it will be very difficult to surmount these obstacles, this, that and the other. Well, Sir, a Government which can provide for the punishment of a parent, by way of fine or sending him to jail, for the fault of a child, is not certainly so powerless as not to be able to find a legislative remedy for these difficulties, if and when they arise. The only point which my Honourable friend did make was, I think, about the separation of Burma. Now, we know that the question of the separation of Burma is a live issue at the present moment, but my Honourable friend himself has given away his case. In the first part of his speech he pointed out that the very large bulk of passenger traffic is carried between Bombay and Sind. My Honourable friend, Sir Cowasji Jehangir, whose authority in these matters is certainly undeniable, says that the complaint holds good as much in the case of Western India as in the case of Eastern India.

The Honourable Sir C. P. Ramaswami Aiyar : I was anxious to point out that we had received no complaints.

Mr. K. C. Neogy : If there is a complaint, a very legitimate complaint, on the Western side of India, which provides a very large bulk of the total traffic, let us legislate generally in this case, and if Burma ceases to be a part of India, there would be an end of the matter so far as Eastern India is concerned. The law will still hold good in respect of Western India. I know the question of the separation of Sind is also a live issue, but I do not think it is going to be separated in the same sense as Burma is.

Several Honourable Members : The question be now put.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I accept the closure.

The question is that the question be now put.

The motion was adopted.

Dr. Ziauddin Ahmad : Sir, I made it abundantly clear in my opening speech that in this Resolution I do not want to go further than what is contained in Mr. Neogy's Bill and the principles of that particular Bill were accepted by Sir George Rainy on behalf of Government. I quoted in my opening speech certain passages from the speech of Sir George Rainy and I thought that that was an accepted principle and the Government would accept this Resolution immediately. I thank the Honourable the Leader of the House for the sympathetic remarks and we expected an Indian of his reputation occupying his present position to take that view. I am really thankful to him for the kind words that he said about this Resolution. But he put a big "but" which I could not understand. He started with the assumption that Burma will be separated and very soon it may become an alien nation. This is really a question which has not yet been settled. We do not yet definitely know whether Burma will or will not be separated.

The Honourable Sir C. P. Ramaswami Aiyar : I did not assert that.

Dr. Ziauddin Ahmad : I thought that the only "but" which the Honourable Member brought forward against this Resolution was that when Burma is separated, then this traffic between Bengal and Burma would not be a coastal traffic. I think this question of separation is still an open question. And even if Burma is separated from India, we do not know what economic and commercial relations will exist between the two countries. We do not know, even if Burma is separated which in itself is a doubtful question, whether there will or there will not be customs barrier. And if we pass a particular Act, it will still be open to the two countries to carry on or to refuse its terms. Therefore, the question of the separation of Burma ought not to come in the way and we ought to examine the whole question on its own merits. Now, as regards the merits of the case, I understood that the Honourable Member was in favour of the Resolution. My Honourable friend, Mr. Sarma, did not understand the argument put forward from this side. He did not understand and would never understand any argument that is put forward

from this side of the House. He has got a polarised intellect which is sensitive to one side and immune to the other. As regards Mr. Joshi, who is really a representative of the labour, I was a little surprised at his attitude. When Mr. Neogy moved this particular Bill four years ago and the subject of distribution of sweetmeats and handkerchiefs was mentioned, Mr. Joshi interrupted him and said 'what was the harm in it'. These were the words that he used about four years ago. He was then pointed out that the harm was that the sweets and handkerchiefs were not distributed for long. They ceased to exist as soon as the rival company collapsed and the freight was really increased to a higher level and the prices of free gifts were reduced. Therefore, it was not really good in the interests of the labour classes whom he represents, and it is for their interest that I brought forward this Resolution. He practically agreed that he wanted State intervention in industries and commerce. This is the proposition which he advanced and it is just the thing which this Resolution seeks to do. If he admits the general principle that he is in favour of the State interference in trade and industry, then *ipso facto* it implies that he would favour this Resolution also. His opposition was based only on technical grounds, namely, that it did not go far enough. I wish he will bring forward a wider Resolution in the next session and I assure him that he will get the fullest support from this side of the House. So, if we could not get all what we want, we should certainly be satisfied with the little that we could get and I hope he will give us his support on reconsideration. I assure him that when I took up this Resolution a few days ago, I did it only in the interest of the labour classes who travel in the third class, which is really the constituency of my Honourable friend, Mr. Joshi. The real fact is that if my Honourable friend Mr. Joshi gives his support to this Resolution it will serve the cause he has at heart. As regards the speech of Sir Leslie Hudson about efficiency, I am all in favour of efficiency and I appeal to him to say whether reducing the rate, whether the supply of sweetmeats and handkerchiefs and whether the supply of motor cars to the passengers' houses, whether expenditure on propaganda against a rival company have to be put under corruption and or under bribery. If any company stands on its own legs and says, "we do not mind whether the other company lowers the rate of fares or freights, we stand for the comfort of all passengers, we stand for regularity of the service", then the question of efficiency would certainly arise. When a company deliberately lowers the rate of fares, when they deliberately distribute sweetmeats and handkerchiefs, when they spend some money on propaganda work, when they really tamper with the officers of the other company, then certainly it is not efficiency, it is corruption, it is bribery. It is this that I stand against and I hope if my Honourable friend sees these things, he will also support my contention.

My Honourable friend, Mr. Smith, said that there should be no interference of politics in trade and commerce. Really speaking it is impossible for any commerce to thrive without the interference of politics. What is the Conference at Ottawa? It is nothing but interference of politics in industry. I want to know whether my Honourable friend has raised a single word of protest against the Ottawa Conference which is nothing but interference of politics in trade. My Honourable friend calls it an interference when it is against him, but he does not call it an interference when it is in his favour. Interference is interference whether it is in favour or against a particular thing.

[Dr. Ziauddin Ahmad.]

I will sum up and repeat what the Leader of the Independent Party said, namely 'live and let live'. These words mean a good deal. I do not want to draw any inferences from this particular phrase, but any one who has got sense will go to the root and will understand it. I hope that Government and my friends of the European Group will support this motion.

The Honourable Sir C. P. Ramaswami Aiyar : Mr. President, I have not really got very much to say with reference to the observations that have fallen from the various Honourable Members. But, I do not think I shall be justified in passing away from this topic without reference to my Honourable friend Mr. Neogy's allusions to the provisions of his own measure, if that Act may be so termed. I should like to point out to this House that when the Select Committee on Mr. Neogy's Bill considered what penalty should be imposed in respect of these rebates and concessions, they found themselves quite unable to approve of anything and finally really under that Act no sanction has been provided.

Mr. K. C. Neogy : Yet that Act stands.

The Honourable Sir C. P. Ramaswami Aiyar : Yes, it stands on the Statute-book, but no sanction has been provided for. Moreover, my Honourable friend referred to the tribunal indicated by that Act and set up by it and he also referred in passing to the very successful outcome of the labours of a Committee presided over by my esteemed and distinguished friend, Sir B. N. Sarma. I may incidentally say that the dispute referred to is as to a run of about a dozen miles in Eastern Bengal and the Committee cost us Rs. 13,000. That is an incidental factor which I hope will not be forgotten.

Mr. K. C. Neogy : It was a question of important principle, decided at a small cost.

The Honourable Sir C. P. Ramaswami Aiyar : I do not now desire to deal with these smaller details. I desire only to reiterate what I have said that the Government are quite alive to the necessity of taking and taking as speedily as possible and as effectively as feasible measures for the purpose of facilitating this coastal trade. More than that they cannot say at this moment. I cannot give any more pledges than that but surely I should be acquitted of any desire or willingness to be merely evasive when I assert and assert again with a full sense of responsibility that Government are not unalive to the needs of the situation and the necessity to meet it.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Resolution moved :

"That this Assembly recommends to the Governor General in Council to take the necessary steps for the purpose of fixing the minimum rate for the passenger carrying trade by sea between the coastal ports of India."

The question is that that Resolution be adopted.

The Assembly divided :

AYES—50.

Abdul Matin Chaudhury, Mr.
 Abdur Rahim, Sir.
 Anwar-ul-Azim, Mr. Muhammad.
 Ashar Ali, Mr. Muhammad.
 Badi-uz-Zaman, Maulvi.
 Bagla, Lala Rameshwar Prasad.
 Bhuput Singh, Mr.
 Das, Mr. A.
 Dutt, Mr. Amar Nath.
 Fazal Haq Piracha, Shaikh.
 Ghuznavi, Mr. A. H.
 Gour, Sir Hari Singh.
 Ibrahim Ali Khan, Lt. Nawab Muhammad.
 Ishwarsingji, Nawab Naharsingji.
 Ismail Ali Khan, Kunwar Hajee.
 Ismail Khan, Haji Chaudhury Muhammad.
 Isra, Chaudhri.
 Jadhav, Mr. B. V.
 Jehangir, Sir Cowasji.
 Jog, Mr. S. G.
 Lahiri Chaudhury, Mr. D. K.
 Lakhand Navalrai, Mr.
 Maswood Ahmad, Mr. M.
 Misra, Mr. B. N.
 Mitru, Mr. S. C.

Muazzam Sahib Bahadur, Mr.
 Murtuza Saheb Bahadur, Maulvi Sayyid.
 Neogy, Mr. K. C.
 Pandian, Mr. B. Rajaram.
 Patil, Rao Bahadur B. L.
 Phookun, Mr. T. R.
 Puri, Mr. B. R.
 Raghurib Singh, Kunwar.
 Rajan Bakhsh Shah, Khan Bahadur Makhdom Syed.
 Ranga Iyer, Mr. C. S.
 Reddi, Mr. P. G.
 Reddi, Mr. T. N. Ramakrishna.
 Sadiq Hasan, Shaikh.
 Sant Singh, Sardar.
 Sen, Mr. S. C.
 Shafee Daoodi, Maulvi Muhammad.
 Shah Nawaz, Mian Muhammad.
 Singh, Kumar Gupteshwar Prasad.
 Singh, Mr. Gaya Prasad.
 Suhrawardy, Sir Abdulla-al-Māmūn.
 Thampun, Mr. K. P.
 Uppi Saheb Bahadur, Mr.
 Yamin Khan, Mr. Muhammad.
 Ziauddin Ahmad, Dr.
 Zulfikar Ali Khan, Sir.

NOES—44.

Acott, Mr. A. S. V.
 Ahmad Nawaz Khan, Major Nawab.
 Aiyar, The Honourable Sir C. P. Ramaswami.
 Allah Baksh Khan Tiwana, Khan Bahadur Malik.
 Amir Husain, Khan Bahadur Saiyid.
 Bajpai, Mr. G. S.
 Banerji, Mr. Rajnarayan.
 Clow, Mr. A. G.
 Dalal, Dr. B. D.
 Dash, Mr. A. J.
 DeSouza, Dr. F. X.
 Fazl-i-Ilahi, Khan Sahib Shaikh.
 Fox, Mr. H. B.
 Gidney, Lieut.-Colonel Sir Henry.
 Graham, Sir Lancelot.
 Greenfield, Mr. H. C.
 Gwynne, Mr. C. W.
 Haig, The Honourable Mr. H. G.
 Hezlett, Mr. J.
 Hossack, Mr. W. B.
 Hudson, Sir Leslie.
 James, Mr. F. E.

Jawahar Singh, Sardar Bahadur Sardar.
 Lal Chand, Hony. Captain Rao Bahadur Chaudhri.
 Mackenzie, Mr. R. T. H.
 Macqueen, Mr. P.
 Metcalfe, Mr. H. A. F.
 Morgan, Mr. G.
 Mukherjee, Rai Bahadur S. C.
 Naydu, Rao Bahadur B. V. Sri Hari Rao.
 Nichols, Mr. H. L.
 Noyce, The Honourable Sir Frank.
 Pandit, Rao Bahadur S. R.
 Parsons, The Honourable Sir Alan.
 Rau, Mr. P. R.
 Ryan, Mr. T.
 Sahl, Mr. Ram Prashad Narayan.
 Sarma, Mr. R. S.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan Gakhar, Captain.
 Smith, Mr. R.
 Sorley, Mr. H. T.
 Tin Tut, Mr.
 Tottenham, Mr. G. R. F.

The motion was adopted.

RESOLUTION *RE* REVISION OF TIME-SCALES OF PAY.

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhammadan) : Sir, I beg to move the Resolution which stands in my name :

" This Assembly recommends to the Governor General in Council that even if it is found necessary to revise the time-scales of pay, no such revised time-scales be introduced in the case of the non-Gazetted establishments unless such revised grades have been brought into effect in respect of the Gazetted establishments and the Covenanted services. This Assembly further recommends that the House be consulted before any revised time-scales are introduced and further that scales of pay should be uniform in respect of Government employees with similar nature of duties and working in the same locality with a view to allay the existing disparity in treatment and consequent discontent."

My Resolution consists of three parts. The first part imposes the necessity of revising the time-scales in respect of the gazetted establishments and covenanted services along with the time-scales of non-gazetted establishments ; the second relates to consultation with this House before any time-scales are revised ; and thirdly, that in respect of appointments involving the same duties and carried on in the same places the pay should be uniform and there should be no difference in it. In moving this Resolution I have in the first instance to point out that of all the services in the world the Indian services are the most highly paid. Throughout India you have top-heavy services and the men in the lowest rung of the ladder,—taking the case of the poorest clerks,—who get a salary of something like Rs. 40 to Rs. 100 find it very difficult to make both ends meet. Again I should say that these are the most low-paid officials not only in this country but in comparison with other officials in other countries as well. I venture to affirm that the services in the lowest rungs of the ladder are the ones most poorly paid. With regard to time-scales in their case, I find that in Madras a revised time-scale has already been introduced in respect of the postal services. The initial salary which was fixed at Rs. 40 sometime back is now fixed at Rs. 30 and the annual increment which used to be Rs. 5 has been reduced to Rs. 3. This has already taken effect in Madras and probably it has been given effect to in other provinces also. That is so far as the Postal Department is concerned.

Then, Sir, with regard to the cuts which we have so much experience of, the House knows that there was no graduation in the cuts and they were applied evenly irrespective of the emoluments attaching to particular posts. In that respect it was the low-paid officials who suffered most ; and in spite of agitation in the country and even on the floor of this House, Government would not budge an inch from the position which they took at the beginning, as they thought that by effecting a graduated cut they would not realise the money with which they expected to balance the budget. That may be so ; but still the very idea that a uniform cut should have been applied is so repulsive, especially in the case of the very low-paid officials, that even now when the matter of the revision of the time-scales is going to be taken up for consideration—and as a matter of fact in some provinces they have been already applied—it should be the duty of Government to consider this matter over again as it deeply affects the public services, especially those in the lower rungs of the service. My Resolution suggests that if there is to be a revised time-scale, that time-scale ought to be uniform and ought to be applied not only to men in the non-gazetted establishments, but equally to those in the gazetted establishments and in the covenanted

services. The objection might be taken that so far as the covenanted services are concerned they are beyond the purview of this House. But it stands to reason that if those in the non-gazetted services which carry a very small pay are to be revised by fixing a smaller initial salary than what they have at present and if their yearly increment also is to be diminished, then it stands to reason that those who are in receipt of higher emoluments ought also to suffer, though they cannot to the same extent to which those lower down the scale will suffer—at least to some extent. Otherwise the exclusive revision of time-scales in the case of the non-gazetted employees alone will create a lot of discontent, added to the already existing discontent caused by the ten per cent. cut in pay irrespective of the amount of salary.

The next portion of my Resolution is that this House should be consulted before any revised time-scales are introduced. By that I do not mean that the whole House should be consulted. I merely suggest that the members of the General Purposes Committee for instance, whom I may call experts in this matter, who have devoted about a year of their labours and who have come into contact with the Government of India officials in almost all departments, who are competent to give an opinion in the matter of fixing scales of pay, may be consulted. I do not suggest that the whole House should be consulted : I merely say that a committee of the House, preferably the very General Purposes Sub-Committee which functioned so well and for so long a time might be consulted.

Then as regards uniform scales of pay, I have observed that in Madras in the Customs Service they have what are called preventive officers and they have divided them into two classes, the lower division and the upper division. What really happens is this : a man of exactly the same qualifications and sometimes with higher qualifications, is taken into the lower division where he starts on a salary of 80 rupees with an yearly increment of five rupees. Those in the higher grade start on Rs. 150 and get an yearly increment of ten rupees. But you might ask, is there any difference in the nature of the duties performed by these two divisions ? There is no difference at all. They work in the same place, on the same steamers and perform exactly the same nature of work which a preventive officer of the higher division does. But there is this significant fact that in the higher grade we have a large number of Anglo-Indians—I believe they hold in Madras 50 per cent. of the posts : whereas in the lower division we have more of the Indian element and much less of the Anglo-Indian. To me it appears that in the matter of this division of preventive officers into two classes, attention has been paid not to the nature of the duties which these officers discharge but to the races to which they belong. If as a matter of fact the Anglo-Indian element did loom large in Madras I should not certainly have raised any objection : but even in that respect it cannot be said that they are entitled to preferential consideration at the hands of the authorities in the customs service. What applies to the customs service and to the preventive services does, I believe, apply to other departments of the Government, especially where the duties are such as are not purely ministerial but are executive duties. I say that such a discrimination even as regards the starting pay and annual increments between officers who carry out the same nature of duties and work in one and the same place creates a feeling of discontent

[Mr. Muhammad Muazzam Sahib Bahadur.]

which ought to be allayed by the Government immediately. It is sometimes said that Anglo-Indians are more efficient in the discharge of executive duties than others. That is how this charge is met and I have read so in some old reports of the Assembly. This charge is met by saying that Anglo-Indians are more competent to perform executive duties than Indians and that is why they are preferred to Indians in such appointments. I say that so far as efficiency is concerned and gauging the amount of work and the quality of work turned out by the Indian staff of the preventive services in the Customs Department, it would be clear that far from his turning out work of a better quality it is the Indian that does it and not the Anglo-Indian.

On these grounds, Sir, I commend this motion to the House and I am sure that I will have the support of the Government Benches also in this matter. Sir, I move.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Is it your pleasure, Sir, that this debate should be continued at this late hour ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Chair is glad that the Honourable Member has drawn attention to this point. The Chair has often been told and non-official Members have often complained that sufficient time is not allotted for non-official business. The number of days are allotted by the Governor General, but the Chair is prepared to meet the wishes of non-official Members to sit till a late hour on non-official days to enable them to make up to some extent for the paucity in the number of days which in their opinion they are getting. If non-official Members wish to deprive themselves of this opportunity by sitting a little late, then it is their own business. The Chair will respond by adjourning the House if there is consensus of opinion amongst non-official Members to do so.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, the Resolution that has been brought forward by my Honourable friend is a very simple one. It simply says that gazetted and non-gazetted officers should be placed on the same plane. It also says that there should be no disparity or discouragement in the case of non-gazetted officers. It may be said that it refers mostly to less paid clerks or less paid officials, but still they are all Government servants, and I am sure that Government will not show any great consideration to its highly paid officials while not showing the same consideration to its low-paid officials. That will breed discontent, and there can be no doubt about it at all. This Resolution, Sir, does not introduce any controversial principle. It simply draws the attention of Government to the great disparity that exists and asks them to be fair and equitable to all classes of servants alike. With these words, Sir, I support this Resolution.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I do not know what would be the attitude of Government on this Resolution. I find that the Resolution is divided into three parts. In the first part an attempt is made to put the covenanted service people in line with non-gazetted establishment. On this point, I know that Indian opinion is very strong, because the covenanted service men are drawing a much larger scale of pay, and if anybody can be asked to accept a lower scale of pay, it should be these covenanted service men first of all. It is admitted on all hands that the covenanted

service men in India are paid a scale of pay which is higher than that prevails in any other part of the world. Therefore, Sir, it is most reasonable that, before we ask our non-gazetted officers to accept a lower scale of pay, people who are in a far better position, I mean the covenanted service people, should be asked to accept this cut and they should also be put on a par with the non-gazetted people about the reduction of their scale of pay. I should like to know what possible objection can Government have to this part of the Resolution. There was a rumour that there was great trouble even to make the Indian Civil Services accept a cut of 10 per cent., and that it was after very great pressure from the Government of India that the Secretary of State was induced to enforce this 10 per cent. cut. We should like to know how these higher services really identify themselves with the best interests of the Indian people. It is a fact, Sir, that due to the trade depression throughout the world the services in every part of the world, not excluding the British Isles, have accepted lower scales of pay, and therefore there can be no possible objection for revising their scale of pay ; but certainly our non-gazetted officers can legitimately claim, before their scales are touched, that the scales of other people who are really paid fabulous amounts should be reduced.

Then the second point raised by my friend in his Resolution is that this House should be consulted before any revised time-scales are introduced. I do not know the attitude of Government on this point either, but it is understood that a special officer has been appointed to collect facts and that those facts will be placed before a certain Committee, and therefore I do not find any reason why Government should have any objection to place the considered opinion of that Committee before this Honourable House. As representatives of the people, we will be in a far better position to consider what the reduced scales should be, and as such, it is very reasonable that, before the revised time-scales of pay are finally settled, this House should have an opportunity to state its views.

Now, the third point that is made in this Resolution is that the scales of pay should be uniform in respect of Government employees with similar nature of duties and working in the same locality. I know there will be some heart-burning amongst officers in different departments of the Central Government ; for instance a department like the Income-tax, Customs, or Currency Offices where the scales of pay differ from the scales adopted in other offices in the same locality. Some officers argue that they are under the same Central Government and are doing similar work and as such there should be no difference in their scale of salary. As a matter of fact, there is a difference in the grade amongst the attached offices and amongst the assistants of the Government of India. Therefore, Sir, this question also requires looking into as to whether these people are entrusted with the same amount of responsible and arduous work as is entrusted to people in attached offices, and if it is found on examination that it is so, I do not see why there should be any difference in their different scales of pay.

I think these are the few points that have been raised in this Resolution, and if I had a chance to hear the Government side as to whether they will accept this Resolution or not, I would have been in a better position to put forward my views. If Government accepts this Resolution, well and good, and it will require no more argument. The only difficulty is, I understand, about the Postal Department, and I heard from my Honourable

[Mr. S. C. Mitra.]

friend Sir Cowasji Jehangir that as regards that department Government have already come to certain conclusions about the grades of pay. The argument is that the covenanted services cover only a very small proportion of the entire pay, but here I should like to urge that it is not so much the amount of pay as the principle that is involved. The people who can afford the largest amount of cut certainly should be the first to come under the cut. But here in India everything is peculiar. Those who can afford to have a cut are always left out of consideration on the ground that the matter is beyond the powers of the Government of India or that it has to be referred to the Secretary of State or the matter is put off on other similar grounds. But I do not know if the matter has got to be referred to the Secretary of State why it is not done in time, and that should be no excuse for delaying the question about the higher services. I think this Resolution is in time, and if our people have to cut their coat according to the cloth because of the falling off of the Government revenue, the scales of pay of officers, high and low, should come under the same principles. On these grounds, I support the Resolution.

The Honourable Sir Alan Parsons (Finance Member) : Perhaps it will shorten the debate and relieve those Honourable Members whom you, Sir, certainly put on the horns of a dilemma if I now explain the attitude of the Government towards this Resolution. Though I am unable on behalf of the Government to accept it in the exact terms in which the Honourable Member has couched it, there is so little difference between the views which are held by the Government on this subject and those which my Honourable friend has incorporated in his Resolution, that I am sure after the assurances that I am in a position to give him that he will see his way to withdraw the Resolution. I will take the three points of his Resolution in the reverse order.

I think in his last clause he is mainly referring to non-gazetted establishments, for it is among those establishments that as a whole we find most similarity of duties and responsibilities in different departments. Provided that that clause is definitely understood to apply only to establishments under the Central Government and not to establishments under Provincial Governments for whom the Government of India are in no way responsible, I have no objection at all to the principle which he there enunciates. It is in fact one of the principles which the officer on special duty who is dealing with these revisions of pay has been, I think, instructed to observe. I should have found it difficult to agree with the second part of his Resolution, namely, that before we introduce any revised time-scales the Assembly should be consulted, not because I have the least desire to keep this matter from the Assembly, but because it would not be very easy to consult a body as large as this House on the details of time-scales

Mr. Muhammad Muazzam Sahib Bahadur : I suggested a Committee.

The Honourable Sir Alan Parsons : But as the Honourable Member has explained that what he really meant was that there should be possibly some consultation before the Government adopted any revised time-scales with some committee of this House, I find myself very much in agreement with him. The position there is actually this. The whole question of revising the scales of pay of officers serving under the Central Government was taken up by the General Purposes Sub-Committee. As far as I understand—I was not then in my present

appointment or even I think Finance Secretary—that Sub-Committee has sent, or some members of it have sent, in certain suggestions as to revised time-scales, and it is my intention to discuss with the Chairman of that Sub-Committee, Sir Abdur Rahim, what further action should be taken to apprise the Sub-Committee as to the work which has so far been done by Mr. Sloan who is the officer on special duty revising these scales. Similarly, with regard to the first part, which is I think the most important point of my Honourable friend's Resolution,—I cannot give an undertaking that in no circumstances whatsoever will we revise the pay of any single non-gazetted establishment before we have undertaken the revision of the scales of pay of all gazetted establishments or covenanted services. But it is quite definitely—and I entirely agree with my Honourable friend—it is quite definitely our view that we cannot revise wholesale the rates of pay of non-gazetted establishments leaving those of gazetted establishments untouched. As a matter of fact, the officer on special duty has been definitely instructed to begin and, if he possibly can, complete his proposals for the revision of the scales of pay of gazetted establishments before he deals as a whole with non-gazetted establishments. I trust that with these assurances the Honourable Member will realise that there is really no difference between him and the Government, and though I cannot accept the Resolution as it is actually worded, I hope that with those assurances he will be prepared to withdraw it.

Mr. Muhammad Muazzam Sahib Bahadur : After the assurances given by the Honourable Member, I beg leave to withdraw the Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : As regards the next Resolution* standing in the name of Mr. Thampan, the Honourable Member has intimated that he drafted it under a misapprehension and that he does not wish to move it. That concludes the business for the day. The House will stand adjourned till 11 o'clock to-morrow.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 8th September, 1932.

“ This Assembly recommends to the Governor General in Council that with a view to make good the loss sustained by the Indian Exchequer by the decision of His Majesty's Government ‘ that the extraordinary charges of £13,600,000 in connection with the Indian military forces employed in the War should be borne by the Indian Revenues ’, immediate steps be taken to levy a cent. per cent. *ad valorem* duty on all British goods imported into this country.”

L161LAD



LEGISLATIVE ASSEMBLY.

Thursday, 8th September, 1932.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

QUESTIONS AND ANSWERS.

STATEMENT BY MISS SLADE REGARDING MALTREATMENT OF WOMEN POLITICAL PRISONERS IN JAILS.

110. ***Mr. Lalchand Navalrai :** (a) Has the attention of Government been drawn to a statement issued by Miss Slade to papers in May last regarding her jail experiences ?

(b) Have Government ascertained whether the allegations therein mentioned of inhuman, cruel and insulting treatment towards women political prisoners of ' C ' class are true ?

The Honourable Mr. H. G. Haig : (a) Yes.

(b) Government have ascertained that the allegations referred to are not true.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say through what agency the inquiries were made ?

The Honourable Mr. H. G. Haig : Enquiries were made from the Government of Bombay and the Inspector General of Jails.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state if all the allegations were found to be untrue or there was some difference between the statements made by Miss Slade and those found to be true.

The Honourable Mr. H. G. Haig : The statement made by Miss Slade was a very long and general one. For the most part, it carefully avoided specific allegations. The Honourable Member's question was whether the allegations of inhuman, cruel and insulting treatment towards women political prisoners in " C " class were true. My answer is that they are not true.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to lay on the table the conclusions of the Bombay Government in order to see whether it is really inhuman or it is only a question of interpretation one way or other.

The Honourable Mr. H. G. Haig : I think it is unnecessary.

ARTICLE IN THE " BOMBAY CHRONICLE " BY MR. HORNIMAN REGARDING BOMBAY RIOTS.

111. ***Mr. Lalchand Navalrai :** (a) Has the attention of Government been drawn to an article by Mr. Horniman in the *Bombay Chronicle*

alleging unreadiness, indifference and neglect on the part of the authorities in dealing with the Bombay riots during the first two or three days ?

(b) Are Government aware that the Bombay Government have demanded a security of Rs. 6,000 from the *Bombay Chronicle* for the said article ?

(c) Has Mr. Horniman made a vigorous protest to the Viceroy ?

(d) Are the Government of India prepared to interfere in the matter of the security ? If not, why not ?

The Honourable Mr. H. G. Haig : (a) and (b). Yes.

(c) Mr. Horniman made a representation.

(d) The answer is in the negative. The matter is within the discretion of the Local Government.

Mr. Lalchand Navalrai : Does the Honourable Member know that Mr. Horniman was on the spot in those days and that he was in a position to know the facts.

The Honourable Mr. H. G. Haig : I have no doubt that Mr. Horniman was in Bombay. Whether he was in a position to form a sound judgment on the subject, I cannot say.

Mr. N. M. Joshi : May I ask whether the action was taken under the Ordinances or under the ordinary law.

The Honourable Mr. H. G. Haig : The action was taken under a provision of the Ordinance.

Mr. N. M. Joshi : May I ask whether the Ordinances were intended for these ordinary occurrences ?

The Honourable Mr. H. G. Haig : I hope my Honourable friend does not regard these very serious riots in Bombay as ordinary occurrences.

Mr. N. M. Joshi : Were the Ordinances enacted for the Bombay riots ?

The Honourable Mr. H. G. Haig : No, Sir, but powers under the Ordinance can be applied in any emergency.

Mr. C. S. Ranga Iyer : Is it not a fact that in the present case the gentleman advocated the preservation of order and, if so, why was action taken against his paper ?

The Honourable Mr. H. G. Haig : If there is any complaint as to the justification for the action taken, that complaint can be laid before the High Court.

EUROPEAN ASSOCIATION PROPAGANDA AGAINST THE CIVIL DISOBEDIENCE MOVEMENT.

112. ***Mr. Lalchand Navalrai :** (a) Are Government aware that there is a central administration of the European Association with circles and branches in all the Provinces of India ?

(a) Are Government aware that that Association is engaged in a propaganda against the civil disobedience movement ? Did that Association, through its Bombay branch or otherwise, suggest that immediately civil

disobedience was declared the Congress itself should be declared an illegal body, its property confiscated and its members treated as enemy subjects interned during the war ?

(c) Did that Association through their Bombay branch ask that the Government of India be requested to issue a statement to all Provincial Governments to inform them what is lawful and what is unlawful under the Delhi Pact, so that the general public may know their rights both under the law and the Pact ?

(d) Did that Association make a request to Government that persons in the employ of Government may be sent in the guise of ordinary buyers to picketed shops to demand goods of mills banned by Congress with police in readiness to arrest the picketers if any coercion or intimidation was used ?

(e) Did that Association further give a threat that unless some such help was given merchants will be compelled to take the law into their own hands as they were not prepared to stand by indifferently and see their trade ruined ?

(f) Did that Association wait in a deputation on the Honourable Mr. G. A. Thomas, Home Member, Bombay Government ? Did they send a despatch in consequence of the deputation asking for strong measures being taken against the Congress ? If so, will Government be pleased to lay that representation on the table and to state what action have Government taken at the request of the said European Association ?

The Honourable Mr. H. G. Haig : (a) The Association has, I understand, a central organisation with branches in most of the provinces.

(b) to (f). I have nothing to add to my reply to Mr. Gaya Prasad Singh's question No. 19 on the same subject.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to answer specifically clause (e) where it is said that the Association gave a threat that the merchants will be compelled to take the law into their own hands ? This is not covered by the answer to Mr. Gaya Prasad Singh.

The Honourable Mr. H. G. Haig : The letter of which the Government only received an extract was a confidential letter and I do not propose to give specific replies in the form of question and answer.

Mr. N. M. Joshi : May I ask whether the Government of India is aware that there are branches of the European Association at Delhi and Simla called the Government of India ?

The Honourable Mr. H. G. Haig : I did not hear the complete list of places enumerated by the Honourable Member and I certainly have not in my possession a complete list of the branches.

Mr. N. M. Joshi : Does not the Honourable Member think that part (e) is not covered by the answer he gave to Mr. Gaya Prasad Singh and therefore answer should be given to this.

The Honourable Mr. H. G. Haig : I have already explained that the question refers to a confidential letter and I am not prepared in the form of question and answer to disclose the contents of that letter.

MR. HASSAN'S REPORT ON RAILWAY WORKSHOPS.

113. ***Dr. Ziauddin Ahmad :** Do Government propose to circulate the Fourth Volume of K. M. Hasan's Report on Railway Workshops among the Members of the Assembly ?

Mr. P. R. Rau : Copies have been circulated already.

FREE SUPPLY OF POSTAL STAMPS TO INDIAN STATES.

114. ***Dr. Ziauddin Ahmad :** (a) Will Government be pleased to give a list of the Indian States to whom the Postal Department gives postal stamps without payment ? Why are these stamps given free ?

(b) How are the accounts adjusted ? What is the value of the stamps given to each State ?

The Honourable Sir Frank Noyce : (a) A list of Indian States which receive a grant of postage stamps without payment, with the face value of the stamps given annually to each, is laid on the table. The stamps are given in pursuance of the agreement or undertaking relating to the working of the Indian Posts and Telegraphs Department in the several States.

(b) As the stamps are given free, the question of adjustment of accounts does not arise. The value of the stamps given to each State is noted in the list referred to in the reply to part (a).

List of Indian States receiving free grant of service Postage Stamps.

Name of State.						Amount.
						Rs.
Bahawalpur	..	..	..	..	..	4,000
Bhopal	..	..	..	..	..	8,380
Alwar	..	..	..	..	..	30,000
Bikaner	..	..	..	..	..	35,000
Bushahr	..	..	..	..	..	600
Datia	..	..	..	..	..	5,000
Faridkot	..	..	..	..	..	1,000
Indore	..	..	..	..	..	35,000
Jubbals	..	..	..	..	..	250
Kashmir	..	..	..	..	..	20,000
Malerkotla	..	..	..	..	..	900
Mandi	..	..	..	..	..	700
Panna	..	..	..	..	..	900
Sirmoor	..	..	..	..	..	1,275
Suket	..	..	..	..	..	700
Baroda	..	..	..	..	..	85,000
Bharatpur	..	..	..	..	..	12,000
Cooch Behar	..	..	..	..	..	9,000
Dhar	..	..	..	..	..	3,000
Edar	..	..	..	..	..	550
Jhallawar	..	..	..	..	..	2,400
Kalsia	..	..	..	..	..	450
Kotah	..	..	..	..	..	15,000
Leharu	..	..	..	..	..	300
Marwar (Jodhpur)	..	..	..	..	..	39,000
Sikkim	..	..	..	..	..	1,500
Gwalior	..	..	..	..	..	480
Total						8,12,385

Dr. Ziauddin Ahmad : What is the total value of the stamps which are distributed free ?

The Honourable Sir Frank Noyce : The Honourable Member will find it in the statement I have laid on the table.

FREE SUPPLY OF POSTAL STAMPS TO INDIAN STATES.

115. ***Dr. Ziauddin Ahmad :** (a) Are Government aware that Lord Eustace Percy's Committee contemplated that in the future Federal Government ; Post Office will be a self-supporting department and that it will not contribute to the finances of the Federal Government ?

(b) What was the opinion of the Committee about free gift of stamps to the Indian States ?

(c) Is it contemplated to give stamps free of costs to British Provinces and the Federal Assembly under the Federal Government ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) The Committee did not express any opinion on the subject.

(c) No.

Dr. Ziauddin Ahmad : In view of the fact that the post office is not earning a profit and there is a dead loss, is it not desirable that the practice of giving stamps free to the Indian States may be discontinued.

The Honourable Sir Frank Noyce : I would refer the Honourable Member to the recommendations of the Indian States Inquiry Committee on this subject. I think he had that Report in mind when he put this question. He will find the whole subject dealt with at length in that Report, the recommendations of which will doubtless be considered in due course.

Dr. Ziauddin Ahmad : Will the Honourable gentleman recommend to the new Round Table Conference to discuss this question.

The Honourable Sir Frank Noyce : It is hardly the business of my Department to suggest matters for discussion by the new Round Table Conference.

Dr. Ziauddin Ahmad : On behalf of the Assembly, I mean.

The Honourable Sir Frank Noyce : I am not convinced that the Assembly has any definite wishes on this subject.

Dr. Ziauddin Ahmad : Does the Honourable gentleman think it just to give so many stamps free to the Indian States.

The Honourable Sir Frank Noyce : I would again refer the Honourable Member to the Report of the Committee in which he will find the whole subject most exhaustively discussed.

Sir Cowasji Jehangir : Is it not a fact that many of these States have got agreements with regard to the supply of these stamps ?

The Honourable Sir Frank Noyce : That is so.

Dr. Ziauddin Ahmad : Was not the agreement made on the supposition that the post office is a profitable concern ?

The Honourable Sir Frank Noyce : No, Sir.

LOAN POLICY OF THE GOVERNMENT OF INDIA.

116. ***Dr. Ziauddin Ahmad** : (a) Will Government be pleased to mention the amount of loan the Government of India raised in England and in India and at what rate of interest since the 21st September, 1931 ?

(b) Will Government be pleased to mention the amount of Treasury Bills they sold since 1st January, 1932 ?

(c) Will Government be pleased to mention the amount of currency notes printed and the silver rupees and smaller coins coined since 21st September, 1931 ?

(d) How did they spend money collected under (a), (b) and (c) ?

(e) Do Government propose to give an opportunity to the Assembly or the Standing Finance Committee to discuss the loan policy of the Government of India ?

The Honourable Sir Alan Parsons : (a) *England*—5 per cent. loan 1942-47 for £10,000,000 issued at 95.

India—(1) $6\frac{1}{2}$ per cent. Treasury Bonds 1935 issued at par. Total subscriptions Rs. 16.95 lakhs.

(2) $5\frac{1}{2}$ per cent. loan 1938-40 issued at 98. Total subscriptions Rs. 19.14 lakhs.

(3) The recent 5 per cent. loan 1940-43 issued at 98. Total subscriptions approximately Rs. 25.40 lakhs.

(b) From the 1st January 1932, up to the end of August, 1932, there was a net discharge of Treasury Bills amounting to approximately Rs. 33.96 lakhs.

(c) I presume that the Honourable Member wants to know the amount of expansion of currency. A statement showing the expansions and contractions up to the end of March, 1932, is given on page 17 of the Report to the Controller of the Currency for the year 1931-32. Between 1st April and 31st August there was a net contraction of currency to the extent of Rs. 5.15,00,000, representing the repayment of seasonal advances by the Imperial Bank.

(d) Statements showing how the various amounts raised by the Government of India in India and England in 1931-32 were utilised are given on pages 15, 16 and 56 of the Report of the Controller of the Currency for the year 1931-32. As regards the current year it is not yet possible to say before the accounts of the year are made up how the total amount raised has actually been utilised.

(e) The Legislative Assembly has opportunities of discussing the loan policy of the Government of India either during the general budget discussion or by a specific motion on the Demands for Grants for the Finance Department, for Interest on Ordinary Debt or Interest on Miscellaneous Obligations.

Mr. N. M. Joshi : May I ask why, when the Government can easily get money in India, they float loans in England ?

The Honourable Sir Alan Parsons : Sir, as I have explained, possibly when the Honourable Member was not in the House, we are at present able to borrow more cheaply in England than in India ; and it is also desirable that we should strengthen our sterling resources.

Dr. Ziauddin Ahmad : May I ask if it is not the case that in the Currency Report to which the Honourable Member referred the Government have given figures up to March, 1931, and not up to March, 1932 ? I imagine these will be published some time later ?

The Honourable Sir Alan Parsons : I think the Honourable Member is incorrect. I am fairly sure that the Currency Report for the year ending March, 1932, has been published.

Dr. Ziauddin Ahmad : I wish the Honourable Member would please give me a copy.

The Honourable Sir Alan Parsons : I will certainly let the Honourable Member have a copy of the latest Report.

Dr. Ziauddin Ahmad : As regards part (d) of my question, I understood from the Honourable gentleman that this question how the loan funds would be spent would be considered later on. I thought that at the time of floating the loan the question of expenditure had been considered in order to find out whether the loan was or was not needed ?

The Honourable Sir Alan Parsons : Certainly, Sir. We do not raise a loan until we want money. But it is impossible to say exactly how the various amounts raised by Treasury Bills and loans will actually be spent over the whole field of Government expenditure until the year is over.

Mr. N. M. Joshi : Have Government ever considered and weighed the financial advantage of loans taken in England with the political disadvantage of loans taken in England ?

The Honourable Sir Alan Parsons : The question has often been considered whether and to what extent it is desirable to borrow in England.

Mr. N. M. Joshi : Are the Government of India aware that the financial interests in England make it an argument that they have investments in India and therefore there should be financial safeguards against the powers of the Indian Legislature ?

The Honourable Sir Alan Parsons : I have occasionally seen arguments of that character.

Mr. N. M. Joshi : Has that argument any weight with the Government of India ?

Dr. Ziauddin Ahmad : Is it not a fact that the Finance Member, before he left this country, made a statement that he had floated this loan not because he wanted money but because he wanted to test the credit of this country and that he could get the money cheap ? If so, I should like to know how the money borrowed to test the credit of this country was actually spent ?

The Honourable Sir Alan Parsons : I do not think Sir George Schuster ever made a statement of that kind, Sir. The Honourable Member like myself, I expect, does not always believe everything that he sees in a newspaper ?

Dr. Ziauddin Ahmad : Then I shall give a reference to the issue of the papers where this was published—the *Times of India* and also the *Statesman*.

HAYMAN-MOHENDRA PUNCHING MACHINE.

117. ***Dr. Ziauddin Ahmad** : (a) Will Government be pleased to exhibit a model of the Hayman-Mohendra Punch, popularly known as the " Hayman Pistol " in the Library ?

(b) Can this punch be put in the pocket of the coat supplied by Government to T. T. Es. ? What is its weight ?

(c) Is it not a fact that this punch must always be carried in the hand ?

(d) Is it not a fact that T. T. Es. get into the carriage and get down while the train is in motion for the efficient discharge of the duties ?

(e) Are Government aware that T. T. Es. incur great risk in getting in and getting out of a moving train carrying a heavy punch in one hand ?

Mr. P. R. Rau : (a) If you, Sir, consider it a suitable exhibit for the Library, I shall be quite prepared to send a specimen ; otherwise any Honourable Member who is interested can view it at closer quarters in the office of the Railway Board.

(b) The converted punch at present in use is 1½ lb. in weight and can, I understand, be carried in the pocket of the coat.

(c) Not necessarily.

(d) Yes, but only when the train has practically come to a standstill or when it is just starting.

(e) The risk cannot be very great seeing that a guard with a hand signal lamp with the container half filled with oil, weighing nearly two to three times the weight of this punch, can and does board moving trains without incurring any risk.

Mr. K. C. Neogy : Will Mr. Hayman and Mr. Mohendra be asked to patent a type of coat which will have pockets sufficiently capacious to carry this instrument ?

Mr. P. R. Rau : They were not asked to make a patent of the punch either, Sir.

Dr. Ziauddin Ahmad : Is it not a fact that the coat supplied by the Government cannot carry this punch ?

Mr. P. R. Rau : As a matter of fact when I was at Howrah station recently I saw a ticket inspector carrying a punch like this in his pocket.

Mr. Lalchand Navalrai : Did the Honourable Member see the ticket inspector come down from the train with the punch in his hand ?

Mr. P. R. Rau : I am afraid he was on the platform.

Dr. Ziauddin Ahmad : In view of the fact that the Honourable gentleman always travels in a saloon, hence I, who travel in ordinary carriages, can more authoritatively say that T. T. Es. cannot carry it in their pockets ?

Mr. P. R. Rau : The East Indian Railway Administration are providing satchels for carrying this punch.

HAYMAN-MOHENDRA PUNCHING MACHINE.

118. ***Dr. Ziauddin Ahmad :** (a) What is the price of the Hayman-Mohendra punch ?

(b) Are the T. T. Es. asked to pay for it, if they drop or lose it ?

Mr. P. R. Rau : (a) About Rs. 98 with refill tubes and date box.

(b) All staff are responsible for the equipment issued to them.

HAYMAN-MOHENDRA PUNCHING MACHINE.

119. ***Dr. Ziauddin Ahmad :** (a) Why is the name of Mr. Hayman associated with this punching machine ?

(b) Has he got any interest in it ?

(c) If so, is it permissible under service rules ?

Mr. P. R. Rau : (a) and (b). Mr. Hayman is one of the inventors and patentees of this machine.

(c) Yes.

Mr. K. C. Neogy : Is this Mr. Hayman a mechanical engineer ?

Mr. P. R. Rau : Not that I am aware of.

Mr. K. C. Neogy : Did Government make any inquiries, before they allowed this patent to be taken out in the names of these two gentlemen, as to whether Mr. Hayman had made any material contribution towards the invention of this mechanical device ?

Mr. P. R. Rau : I suppose the Controller of Patents must have satisfied himself.

Dr. Ziauddin Ahmad : Who is this Mr. Hayman—the Member of the Railway Board or some other Hayman ?

Mr. P. R. Rau : He is a Member of the Railway Board at present.

Mr. K. C. Neogy : What is the Government's policy in allowing their officers to share patents of this kind which may be used in the Departments in which they themselves are employed and are thus in a position to exercise a good deal of patronage ?

Dr. Ziauddin Ahmad : Particularly when they themselves are not engineers ?

Mr. K. C. Neogy : May I know from the Honourable the Home Member, what the general policy is on this particular point ?

Mr. P. R. Rau : May I state that Government have a definite policy in regard to the grant of bonuses to Government servants for inventions in this matter and the policy was laid down as long ago as 1922.

Mr. K. C. Neogy : Was any bonus granted to Mr. Hayman in this particular instance, or is he part proprietor of the patent ?

Mr. P. R. Rau : No bonus was I believe granted but he was permitted by the Government to have his share of the royalty.

Mr. K. C. Neogy : What inquiries if any were made by Government, before they permitted him to have a share of the royalty, as regards the share that he had in the invention itself ?

Mr. P. R. Rau : The share of the royalty, Sir, must have depended on the terms of the contract between the two patentees. As far as Government is concerned, if Mr. Hayman had not been permitted to have his share, the only result would have been that the other patentee would have got the whole royalty.

Mr. K. C. Neogy : Did not Government realize that such a system might easily lend itself to corruption and bribery ?

Mr. P. R. Rau : I should add that Mr. Hayman has offered not to take the royalty but to devote it to charitable purposes.

Mr. K. C. Neogy : Have Government satisfied themselves that he is actually doing that ?

Mr. P. R. Rau : As I have already informed the House, Mr. Hayman had made the offer of his own accord.

Mr. K. C. Neogy : Arising out of the general question of policy which this point raises, may I know if the Honourable the Home Member is prepared to share with me a patent of a type of *lathi* made of sugar-cane which, when used in making "light *lathi* charges", is likely to leave a sweet taste in the mouth of the people against whom it may be used ? (Laughter.)

The Honourable Mr. H. G. Haig : I should not like to deprive my Honourable friend of any of the profits of any such invention.

Dr. Ziauddin Ahmad : Are stakes in card bridges included in "charitable purposes" ?

PROMOTION EXAMINATION OF GUARDS OF ROHILKUND AND KUMAON RAILWAY.

120. ***Dr. Ziauddin Ahmad :** (a) Is it a fact that Rohilkund and Kumaon Railway Administration holds a promotion examination for selecting candidates from the post of the second guard to the first guard ?

(b) Was the promotion examination used for retrenching the second grade guards ?

(c) Who conducted the examination ? Were the papers moderated and scrutinised by any superior officer ?

(d) Is it a fact that persons who were retrenched were further penalised by asking them to pay the price of their uniforms which are supplied free ?

Mr. P. R. Rau : (a) I understand that guards are recruited by promotion of second guards who must pass an examination in guard's duties within a reasonable time after appointment.

(b) No.

(c) Examinations are held under the supervision of an officer who sets the papers and marks the written answers. If a candidate qualifies in his written test, he is then examined orally by a committee consisting of an officer, a Traffic Inspector and a junction Station Master.

(d) I am informed that the standing orders of the Railway provide for recoveries to be made in respect of a uniform which has not been in use for prescribed periods.

Dr. Ziauddin Ahmad : If the Honourable Member will make a confidential inquiry, he will find that the facts are quite different from what he has stated.

RAILWAY SCHOOL AT CHANDAUSI.

121. ***Dr. Ziauddin Ahmad :** (a) What is the cost of the maintenance of the Railway School at Chandausi ?

(b) Is the school intended for instruction or is it intended to select men for retrenchment ?

Mr. P. R. Rau : (a) About a lakh of rupees per annum.

(b) For instruction.

Dr. Ziauddin Ahmad : Is it not a very expensive luxury in these hard days to incur so much expenditure ? Is it not desirable to close the school ?

Mr. P. R. Rau : I cannot accept the statement that the training of subordinates is an expensive luxury at any time.

Dr. Ziauddin Ahmad : Does the Honourable Member agree that it serves any useful purpose having regard to the amount of money that is spent on it ?

Mr. P. R. Rau : Otherwise it would not be retained.

REPORT OF MR. A. C. BADENOCH, DIRECTOR OF RAILWAY AUDIT.

122. ***Dr. Ziauddin Ahmad :** (a) Has the Railway Board seen the Report of Mr. A. C. Badenoch, Director of Railway Audit ?

(b) What action, if any, has the Railway Board taken on it, or propose to take to remove the irregularities mentioned in the report ?

Mr. P. R. Rau : (a) Yes.

(b) I am afraid it is impossible for me to state in the short time allowed to a reply to a question on the floor of this House the action that it is proposed to take on a report which extends over a hundred pages, but I can assure the Honourable Member that steps have been taken to investigate all the cases mentioned in the report and to take necessary action. The usual procedure is, as the Honourable Member is no doubt aware, for the report to be examined by the Committee on Public Accounts of this House to whom the action taken by the Railway Board in individual cases will be explained in detail. The Committee, I understand, intend to examine this report at the end of this session.

DEATH OF MR. AZIZUL HASAN IN THE DELHI CIVIL COURT LOCK-UP.

†123. ***Dr. Ziauddin Ahmad :** (a) Are Government aware of the fact that the corpse of one Mr. Azizul Hasan who was put into the lock-up of the Civil Court of Delhi on the evening of 8th March, 1932, was found in the morning with a pistol wound in the head ?

(b) Are Government aware that the deceased Mr. Azizul Hasan belonged to a very respectable family of Budaun and had held responsible posts under the British Government as well as in Maler Kotla and Jawra States ?

†For answer to this question, see answer to question No. 124.

(c) Is it a fact that at 5-30 P.M. on 8th March, 1932, the Civil Court Nazir went with his peons to the residence of the judgment-debtor and seeing the signboard that it was a zenana house stayed outside the house and sent Chatta Ram and Kishan Chand with several badmashes inside the house ?

(d) Is it a fact that the ladies inside protested against the entry without any knock or call at the door but no notice was taken by the intruding party ?

(e) Is it a fact that this party abused and mercilessly beat Mr. Azizul Hasan with kicks, fists and canes and dragged him down the stairs from the upper storey, where he happened to be seated in shirt and *pyjama*, and put him into a car waiting outside ?

(f) Is it a fact that the arrest was made at a time when the presiding officer of the Court had left his Court and for that reason the deceased Azizul Hasan had to be put in the lock-up for the night and there was no chance for him to deposit the decree money ?

(g) What arrangements were made for his safety in the lock-up of the Civil Court during the night ?

(h) Is it a fact that the deceased was allowed by the Chaukidar of the lock-up to sleep in the verandah ?

(i) Is it a fact that in the morning when his corpse was first seen it was found inside the lock-up cell wrapped up in the blanket with a pistol in the hand ?

DEATH OF MR. AZIZUL HASAN IN THE DELHI CIVIL COURT LOCK-UP.

124. *Dr. Ziauddin Ahmad : (a) Is it a fact that a note in pencil handwriting was found by the Delhi police on the person of the late Mr. Azizul Hasan which ran as follows ?

“ Messrs. Lila Ram’s nephew Chatta Ram has beaten me with a cane and abused me in presence of many persons. I have bruises in the middle finger of my right hand which is badly paining at the joint. I have also a mark of the cane on the right side of my stomach. I have been extremely insulted having been beaten and abused in the presence of many people in the zenana when my old mother-in-law was badly crying. Under no law a decree-holder is authorised to beat and abuse. I am in the agony of these thoughts. I am feeling so much insulted so that I prefer death at the moment for which Chatta Ram is wholly responsible.”

(b) Is it a fact that some of the relations and friends of the deceased complained to the Superintendent of Police of Delhi that the case was being burked by his subordinates ?

(c) Is it a fact that actually the local police burked it ?

(d) Is it a fact that the Police Surgeon who conducted the *post-mortem* examination did not mention any marks of injuries on the body of the deceased which were mentioned by the latter in the note referred to in part (a) ?

(e) Is it a fact that the heirs of the deceased requested the Civil Surgeon of Delhi to go and himself examine the injuries but the said officer simply wrote to the Police Surgeon to go and have the corpse re-examined in the presence of the heirs of the deceased ?

(f) Is it a fact that the Police Surgeon did not follow the suggestion of the Civil Surgeon ?

(g) Is it a fact that the relatives of the deceased got the corpse re-examined by another Doctor of the same qualifications as the Police Surgeon and he found that many injuries existed on the body of the deceased ?

(h) Are Government aware that Mr. Azizul Hasan had written a letter from the lock-up to his wife (who was not present at the house on that day) that among the persons who had beaten him was a *Punjabi* of Maler Kotla, who first struck the blow ?

(i) Have the police made any effort to find out who that *Punjabi* was ; and what was the cause of his coming from Maler Kotla to beat the deceased ?

The Honourable Mr. H. G. Haig : With your permission, Sir, I propose to answer questions Nos. 123 and 124 together. The facts in connection with the death of Mr. Azizul Hasan are the subject of a criminal case which is under trial in the court of the Additional District Magistrate of Delhi. I am, therefore, unable to make any statement.

RECRUITMENT OF INDIAN ARTISTS FOR THE BOMBAY STATION OF THE INDIAN STATE BROADCASTING SERVICE.

125. ***Nawab Naharsingji Ishwarsingji :** (a) Will Government be pleased to state the method of recruitment of Indian artists for the Bombay Station of the Indian State Broadcasting Service ?

(b) Are Government aware of the preference given at the aforesaid station to Maratha artists ?

(c) If so, what measures do Government propose to take in this regard ?

(d) Do Government propose to consider the question of the formation of an Honorary Board for the selection of artists ?

The Honourable Sir Frank Noyce : (a) All artists are engaged by the Station Director who is assisted by the advice of his staff and of interested outsiders. Interviews and auditions at the Studio are arranged in the case of new-comers. Artists of various races are engaged in this way.

(b) No. The Station Director, to whom I have referred in this connection, writes as follows :

“ No undue preference is given to any class but artists who become popular with listeners (as seen from several letters of appreciation which we receive from time to time) are given engagements oftener. At present we have on our list 34 Muhammadans, 10 Parsis and 96 Hindus (Marathi, Gujerathi, Madrassi, Punjabi and Bengali). Our standard of Indian Music is very high and we are unable to entertain the services of singers who have no efficient knowledge of Indian Music for which there is a demand in this Presidency.”

(c) Does not arise.

(d) It does not appear to be necessary formally to appoint a Board. but it is understood that the Station Director proposes to constitute an advisory committee comprising members of different communities.

ARRANGEMENT OF PROGRAMME BY THE BOMBAY STATION OF THE INDIAN STATE BROADCASTING SERVICE.

126. ***Nawab Naharsingji Ishwarsingji :** (a) Are Government aware that the arrangement of programmes at the Bombay Station of the Indian State Broadcasting Service on important Muslim holidays is very unsatisfactory inasmuch as no special programmes are being arranged on these days as in the case of important Hindu holidays ?

(b) If so, what steps do Government propose to take in this regard ?

The Honourable Sir Frank Noyce : No. Government have had no complaints. I may mention that special programmes were arranged for the three holidays "Ramzan-Id", "Moharram" and "Bakr-Id". On the first occasion however the artist failed to appear and other matter had to be substituted, and similar difficulties occurred on "Moharram" owing to disturbances in the city.

MUSLIM RAJPUT POPULATION IN PROVINCES.

127. ***Kunwar Hajee Ismail Ali Khan :** With reference to my unstarred question No. 71 of 23rd September, 1931, regarding the Muslim Rajput population of each Province, are Government now in a position to lay the information on the table ?

The Honourable Mr. H. G. Haig : The figures of Muslim Rajputs by provinces at the last census in so far as they are separate from the general Muslim population are given in a statement which is laid on the table.

Statement showing Muslim Rajput population.

Province.	Persons.	Males.	Females.
United Provinces	166,658	89,249	77,409
Punjab	1,721,334	919,175	802,159
Central Provinces	181	151	30
North-West Frontier Province ..	11,506	7,946	3,560
Delhi	5,736	3,622	2,114
Baluchistan	5,305	4,257	1,048

"ZAWIA-TUL-HANOOD" HOSTEL IN DAMASCUS.

128. ***Kunwar Hajee Ismail Ali Khan :** (a) Are Government aware that there is one Indian Hostel known as *Zawia-tul-Hanood* in Damascus (Syria) which was built by Moghal Emperors for the free use of Indian pilgrims ?

(b) If so, will Government kindly inform the House as to who is in charge of the building now and who is bearing the expenses of its maintenance ?

(c) Is it under the control of the Syrian (French) Government or the Government of India ?

(d) Will Government kindly inform the Assembly as to what is the present condition of its building ?

(e) Are the Indian pilgrims staying there free ?

Mr. H. A. F. Metcalfe : (a) There is an Indian Hostel of that name in Damascus.

(b) It is administered by the Syrian Director of Pious Foundations. Nothing is spent on maintenance of the building.

(c) It is under the control of the Syrian Government.

(d) The building is in fair condition.

(e) Indian pilgrims are in theory provided with free accommodation but arrangements are admitted to be at present unsatisfactory. His Majesty's Consul at Damascus has taken up the matter with the Syrian authorities.

Dr. Ziauddin Ahmad : Will the Honourable Member inform this Assembly as soon as the report has been received ?

Mr. H. A. F. Metcalfe : Does the Honourable Member ask whether any report has been received ?

Dr. Ziauddin Ahmad : I want to know if the Honourable Member will circulate the report among the Members of the Assembly when it is received ?

Mr. H. A. F. Metcalfe : The whole of the material contained in the report is reproduced in the answer to this question and it does not seem to me that any useful purpose will be served by circulating the report.

†129.*

†130.*

FEE FOR REGISTRATON OF ABBREVIATED TELEGRAPHIC ADDRESSES.

131. ***Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that the fee for registration of an abbreviated telegraphic address (i) in the past was only Rs. 10 per annum, (ii) till last year it was Rs. 15 per annum, and (iii) this year it has gone further up to Rs. 25 per annum ?

(b) If the answer to part (a), be in the affirmative, will Government be pleased to state, (i) the numbers of addresses registered, and (ii) the

†This question was withdrawn by the Honourable Member.

amounts collected each year, during the past several years at each of the various rates quoted above ranging from Rs. 10 to 25 ?

Mr. T. Ryan : (a) (i). Yes, up to the 30th November, 1923.

(ii) Yes, up to the midnight of the 18th October, 1931.

(iii) Yes, the fee was raised to Rs. 25 per annum from midnight of the 18th October, 1931.

(b) (i) and (ii). The number of telegraphic addresses are not recorded except since 1930-31, the figures for that and the following year being 38,000 and 30,000, respectively. The amounts collected each year at the various rates in force from time to time from 1922-23 to 1931-32 inclusive were, in thousands of rupees, 298, 373, 461, 455, 463, 479, 486, 485, 481 and 531, respectively.

FEE FOR REGISTRATION OF ABBREVIATED TELEGRAPHIC ADDRESSES.

132. ***Khan Bahadur Haji Wajihuddin :** (a) Are Government aware that owing to abnormal increase in the rate of fee for telegraphic address great discontent and uneasiness is prevailing among the Indian mercantile community ?

(b) Have Government received representations protesting against this abnormal increase in the rates at this critical juncture ?

(c) Are Government prepared to consider the advisability of having these rates reduced to pre-war level ; if not, why not ?

Mr. T. Ryan : (a) and (b). Government have received some complaints but they are not aware of the existence of such discontent and uneasiness as is implied in the Honourable Member's question.

(c) No, but they have reduced the rate of charge from Rs. 25 to Rs. 20 in each case, from the 10th August, 1932. Having regard to the charges made for the registration of telegraphic addresses in other countries, and the value of the concession to the public, Government are satisfied that a charge of Rs. 20 in India is moderate. It may be mentioned that the charge in the United Kingdom is higher than the recently existing charge of Rs. 25 in India.

DECREASE IN POSTAL INCOME.

133. ***Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that since the increase of postal rates, postal income is on the decrease ? If so, do Government propose to bring down the rates to the old level forthwith ?

(b) If the answer to part (a) is in the negative, will Government be pleased to lay on the table a statement showing the figures of income before and after the increased rates respectively ?

The Honourable Sir Frank Noyce : (a) No.

(b) A statement furnishing the required information is laid on the table.

Statement showing month by month the total postage and message revenue of the Posts and Telegraphs Department from July 1930 to June 1932.

Postage and Message Revenue.

(Figures in thousands of rupees.)

	Before the increased rates.	After the increased rates.	Difference.
	1930.	1931.	
July	73.52	68.35	—5.17
August	66.74	67.50	+76
September	69.03	64.26	—4.77
October	70.99	74.94	+3.95
November.. .. .	66.52	70.08	+3.56
December	76.37	73.40	—2.97
	1931.	1932.	
January	78.11	86.96	+8.85
February	70.20	71.70	+1.50
March	39.11	43.56	+4.45
April	66.17	70.15	+3.98
May	66.85	69.93	+3.08
June	69.06	67.30	—1.76
Total increase ..	..	..	15.46

GOVERNMENT POLICY OF COAL PURCHASE.

134. *Dr. Ziauddin Ahmed (on behalf of Mr. A. Das) : (a) Has the attention of Government been drawn to the article (on page 4) headed "The policy of coal purchase" in the new commercial journal called *Business*, issued from Calcutta, on the 1st of July, 1932 ?

(b) If not, do Government propose to send for and consider the said article ?

(c) Will Government state whether they have purchased coal at a higher price when the same quality was being offered at a lower price as detailed in the 11 cases enumerated in the said article and printed at pages 5 and 6 of the said journal and if so, will Government explain the reasons about each case separately ?

(d) Are Government aware that their policy of coal purchase is involving a loss estimated to be about half a crore per year to the various railways in India and a total loss of over nine crores and if so, do they propose to consider the advisability of preventing this loss of revenue ? If so, how and when ?

The Honourable Sir C. P. Ramaswami Aiyar : As the Honourable Member is aware the question of the coal purchases for State Railways was discussed at length during the Budget debates this year and I would invite his attention to the speeches made by Sir George Rainy on various occasions

on the subject. Everyone will, I am sure, recognise that it is impossible for me to deal in detail with the individual instances quoted in replying to questions in this House and I propose therefore to confine myself to a very brief general explanation, at the same time laying on the table of the House a statement explaining in detail the reasons for the action taken in the individual instances mentioned in the publication referred to. In considering these coal tenders the Railway Board cannot pay exclusive attention to the price offered. They have to take into account their previous experience of the tenderers in question, *e.g.*, the quality of the coal supplied by them in the past and their capacity actually to deliver the quantity contracted for of the quality offered. In this connection there are various factors to be considered, *viz.*, the character of the coal, whether the seam is capable of providing, when worked in accordance with the average mining practice, coal of a good average quality, and the presence or absence of bands of shale, inferior carbonaceous matter and igneous intrusions. Another important factor is the preparation and handling of the coal before despatch and the equipment or otherwise of the colliery with mechanical screening plant. During the current year, the Railway Board had moreover to make special efforts to see that the contract should be fairly spread over a number of collieries to prevent a large number from having to close down.

I may also explain that as regards quality, the assumption that the Coal Grading Board classifications or certificates, can be used as an adequate basis for judging the quality of the coal offered is not correct.

I need not remind Honourable Members that the Coal Grading Board deals only with exports.

Under the Coal Grading Board procedure, when a coal seam is graded, the analysis and calorific value are taken as a basis for classification. Colliery owners desirous of obtaining a Grade Certificate state at the time the seam is sampled which section they intend to adhere to, and which inferior bands they intend to reject either in underground working or when loading. The certificate is therefore based on a sample which obviously does not give a fair average analysis of the seam as worked in practice but gives the analysis of the best sections of the seam with all inferior matter eliminated. In the case of coal for export, however, the Grading Board Certificate, though based on analysis of the sample originally taken is supplemented by inspection at the time of despatch for shipment and again when the coal arrives at the Docks prior to shipment. This procedure ensures rejection of inferior consignments, whereas in the case of despatches to Railways it is impossible to inspect each wagon when loading or unloading at the many destinations. Moreover, in purchasing coal for railways the classification under the Indian Coal Grading Board cannot be strictly followed because coals used on railways for distinct separate services, *viz.*, Goods or Mail and Passenger are classified under one grade by the Grading Board.

As regards the last part of the question, Government do not consider that their policy has resulted in loss to Railways.

The following statement deals with the eleven points raised in the article printed at pages 5 and 6 of the first number of "*Business*", dated 1st July, 1932 :

(1) Victoria Colliery's Ramnagar Coal is considered the best quality of this particular class of coal. From practical running tests on Railways it is reported to

be an excellent steaming coal and is issued as a first class coal. Immediately on being raised from pits it is mechanically screened and picked on a modern plant and then delivered direct into wagons for despatch. The sizing is also to the requirement of the Railways.

The Bengal Iron Company's Ramnagar coal is raised from inclines and pits and hauled on a narrow gauge tram line over a distance of over one mile to the loading depot. Here it is dumped and loaded by hand as required. It is not mechanically screened. Reports from Railways complaining of excessive slack and dust in the supplies have been received. From practical running test it is classed as a good steaming coal though issued as second class coal.

The Board considered that the amount accepted during the current year was the maximum that could be taken with any reasonable hope of the quality being up to Railway requirements.

Karamchand Thapar's Begonia coal is not mined from the same seam as the Bengal Iron Company's Ramnagar or Balmer Lawrie and Company's Victoria Colliery coals. The Colliery has recently been taken over from Messrs. Gillanders Arbuthnot and Company, who were desirous of sub-leasing the property. The Coal is transported over a mile of aerial rope-way to the loading depot and is not mechanically screened. In working and loading there is a tendency to produce small coal. The workings are practically all on pillars and it is doubtful how much recovery can be made in working underground without interruption. Messrs. Gillanders Arbuthnot and Company who for many years worked the Colliery offered 12,000 tons in 1931-32 and this was accepted in full. The purchase of 15,000 tons out of 36,000 tons offered during 1932-33 is considered by the Railway Board as all that could, with safety, be accepted.

(2) At Messrs. H. V. Low and Company's New Sinidih Colliery No. 17 Seam is working only a 3'—6½" Section and in this Section two bands of inferior coal occur. The despatches therefore need careful picking. In underground working there is also a danger of the roof coal being mixed with the good section. The Railways state that the supplies are inferior and cannot be used for goods and passenger service. The loading is reported as unsatisfactory.

Similar remarks apply to Pularitand Colliery except that the section worked is 4'—3" in thickness. Two inferior coal bands are also present in the working section. No. 17 Seam in this locality is considered by the Railways as inferior.

At D. N. Barat's Dharmaband Colliery a section of 3'—9" is worked in No. 17 seam and in 18 seam a section of 4'—4" is worked. Here again there is a danger of inferior roof coal or inferior floor coal being mixed with the good coal. The supplies from this Colliery have many times been adversely reported on by the Railways and the loading is reported as unsatisfactory.

In the purchase of 42,000 tons from Dharmaband and Central Dharmaband 24,000 tons from No. 15 Seam is included the balance being purchased from Nos. 17 and 18 Seams No. 15 Seam is of very good quality and the sections worked in Nos. 17 and 18 Seams contain very clean coal. The supervision and loading are satisfactory.

3. (a) 15,000 tons of Kajora coal were taken from Messrs. Villiers, Limited, as the Railway Board considered to be the maximum quantity which could be taken without the inclusion of an excessive amount of slack coal.

(b) Complaints have been received on the loading of coal at Paraseole Colliery both from the Railways and the Inspection Department. At the Managing Agents own request the order for Paraseole coal was, for reasons of quality, transferred to their Madhabpore Colliery.

(c) The Railway Board considered that the acceptance of 12,000 tons out of the offer of 36,000 tons from Madhabpore Colliery is all that could be taken to ensure that the quality of the coal is in accordance with Railway requirements.

(d) The ownership of Madhujore Colliery is comparatively new and the Board preferred to give a comparatively small order as a trial order in order to test the supply.

(4) The class of Kenda coals purchased have proved more satisfactory than many of the Kajora quality coals.

(5) The Desherghur coal taken from Parbelia, Barmondia and Macneills Desherghur Collieries is mined in an area where the best Desherghur coal is found. The Seam in this locality is moreover of uniform quality. All these Collieries are equipped with Screening Plants and consequently there is no difficulty in obtaining coals of excellent quality and size.

The Desherghur Seam at Pure Desherghur and Sudi Collieries is inferior to that worked at the three Collieries previously mentioned. Both the Pure Desherghur and Sudi Collieries are riddled with igneous intrusions and in underground working and surface loading much trouble is encountered in separating the rock and burnt coal from the good coal. The coal is raised from pits dumped on the loading depot before loading into wagons and not mechanically screened.

The Railway Board considered that the quantities accepted from these two collieries are all that could be taken to ensure the coal being up to Railway requirements.

The Desherghur Seam worked at Monoharbahal Colliery is outside the area where the best Desherghur coal is found. The coal is raised from pits and transported over about a mile of narrow gauge tramway where it is dumped on the Railway Siding Depot and loaded as required. It is not mechanically screened. The Monoharbahal Seam when worked at this Colliery is also loaded at the same siding.

15,000 tons of this coal were bought last year and Railway reports state that supplies were not up to the average quality Mail coal and were of a third class nature.

(6) At Patmohna and Bharatehuck Collieries the section worked is only about 5'—5" in thickness so that in driving the main roads it is necessary to take up about 1'—0" of inferior floor coal. At Patmohna this inferior coal is loaded separately underground, brought to the surface and stacked in an isolated dump. Every care is taken that this inferior floor coal is not mixed with the good coal. The Colliery also gives good supervision in working and loading.

At Bharatehuck no satisfactory arrangements are in existence to keep the inferior floor or roof coal separate from the good coal when working underground or when dumped on the loading depot.

(7) At Poriapur Colliery the loading is well supervised and the management adhere strictly to the recognised section.

At Lows Sultanpur Colliery trouble is experienced in adhering to the recognised working section.

The Railways report, from practical tests, that the coal supplied is of inferior quality and are unable to use it for Mail, Passenger or Goods service.

(8) Gaslitan and Jogta coals are, from Railway observations, reported as superior to Lakurka coal.

The loading supervision at these Collieries is also satisfactory.

During the last contract with Lakurka the Railways reported adversely on the quality of the coal supplied, and the Inspecting Officers reported that the loading was unsatisfactory, but it was decided to give the Colliery another chance, and an order was placed for 18,000 tons during the current year. The Board considered this as being the limit to which satisfactory supplies could possibly be made in accordance with Railway requirements.

At Katras Colliery the coal is mechanically screened and picked and the supervision in loading is satisfactory.

(9) Angraputhra Colliery Company offered 12,000 tons against the 1932-33 requirements all of which was accepted.

(10) 12,000 tons of 12 and 13 Seams was considered by the Railway Board as the maximum quantity which could, with safety, be taken from Motiram's Kirkend Colliery. There is a danger at this Colliery of these coals being mixed with the inferior roof coal of No. 12 Seam and No. 11 Seam when worked.

At the time R. B. Sircar's Kirkend coal was offered Nos. 11 and 12 Seams were partially under water and No. 13 Seam workings were closed.

Difficulties of dewatering and the risk of underground collapse make supplies from this Colliery very unreliable.

(11) Bansdeopur coal is good coal and the loadings are satisfactory.

Mr. S. C. Sen : May I enquire whether the Honourable Member knows who is the proprietor of the paper *Business*, when it was started and where it is published ?

The Honourable Sir C. P. Ramaswami Aiyar : I have not made enquiries on the subject.

Mr. R. S. Sarma : Does the Honourable Member know that that was the first and last issue of the paper and all the news it contained was with reference to the coal matter only ?

The Honourable Sir C. P. Ramaswami Aiyar : I am told that that is not quite an accurate piece of information ; it is no doubt instructive.

Mr. B. Das : Coming as it does from that quarter.

STEPS AGAINST TERRORISM AND EXTREMISM.

135. ***Kunwar Raghubir Singh :** Do Government propose to take any steps against growing terrorism and extremism in the country ? If so, what ?

The Honourable Mr. H. G. Haig : The Government of India and the Local Governments are fully alive to the growing menace of terrorism in some provinces and have already taken measures against it. As the Honourable Member is no doubt aware, special legislation to strengthen the ordinary law has been found necessary to deal with this evil in Bengal, where its manifestations have become a serious menace to the law abiding population and to the lives of the officers of Government. The Government have also decided, with a view to encouraging the large body of well disposed citizens, to station at various centres in Bengal seven additional battalions of troops. Special legislation has also been found necessary, but in a smaller measure, in Burma and the Punjab. It may also be added that the Indian Press (Emergency Powers) Act was passed last year, so as to provide against the publication in newspapers of matter inciting to or encouraging murder or violence.

Mr. B. Das : With reference to the posting of new battalions of Army in Bengal, does the Honourable Member think that the presence of the military could suppress terrorism and terrorist activities ?

The Honourable Mr. H. G. Haig : Not directly ; but we think the general effect in reassuring the population will be good.

Mr. B. Das : Have Government considered the root cause of all these activities ? Is it not a fact that if *Swaraj* comes to India soon, there will be no terrorist activities ?

The Honourable Mr. H. G. Haig : I should be very glad to believe that when the new Government of India Bill is passed, terrorism will cease.

Mr. K. C. Neogy : Is the Honourable Member in a position to assure the House that the new Government of India Bill will give *Swaraj* to this country ?

The Honourable Mr. H. G. Haig : *Swaraj* is one of those terms which it is difficult to define.

Mr. K. C. Neogy : May we have a definition which the Honourable Member himself would apply in this particular case ?

The Honourable Mr. H. G. Haig : I would refer the Honourable Member to the statement made by the Prime Minister at the conclusion of the second Round Table Conference which gives the principles which His Majesty's Government intend to follow.

Mr. K. C. Neogy : In connection with the question of the prevalence of terrorism, have the Government taken into consideration the fact that their own repressive policy is as much the cause as the effect of terrorism ?

The Honourable Mr. H. G. Haig : No, Sir. I have never been able to understand the argument that when action is taken to deal with a movement of violence, it is suggested that that in its turn provokes violence.

Mr. K. C. Neogy : Is the Honourable Member aware that in several instances in which terrorist crimes have been committed in Bengal, the action can be traced to some act of high-handedness and oppression in which the official concerned indulged in ?

The Honourable Mr. H. G. Haig : No, Sir. I am not aware of any particular instance.

Mr. K. C. Neogy : Has the Government ever taken the trouble of making inquiries into these allegations of oppression that have been made from time to time in the Press ?

The Honourable Mr. H. G. Haig : We cannot undertake to enquire into all the allegations that are made in the Press.

Mr. K. C. Neogy : Have the Government made any inquiries at any time into any allegations of this character ?

The Honourable Mr. H. G. Haig : I have not made any inquiries.

Mr. K. C. Neogy : Is the Honourable Member aware of Government making any inquiries into allegations of this character, either in the past or in the present ?

The Honourable Mr. H. G. Haig : No, Sir ; I am not aware of any.

Mr. B. Das : In view of the fact that the Honourable Member agreed with this side of the House that as soon as *Swaraj* will come, there will be no more terrorist movement, will the Honourable Member please see his way to expedite the advent of *Swaraj* in India by passing the Government of India Act ?

The Honourable Mr. H. G. Haig : No one is more anxious than I am to see the new constitution introduced. But I must point out that I did not say that it was my view that with the advent of the new constitution, terrorism would automatically disappear. That was the view expressed by my Honourable friend.

Mr. S. C. Mitra : Is not the Honourable Member aware of the experience which the Imperial Government had at home when they tried similar terrorist measures in Ireland ?

The Honourable Mr. H. G. Haig : I think myself that it is one of the misfortunes of this terrorist movement in Bengal that it bases itself so closely on what it believes to be Irish analogy.

Mr. K. C. Neogy : Has the Honourable Member ever read a statement made by a girl who made a murderous attempt on the life of the then Governor of Bengal in which she gave the reasons as to why she had taken to that course ?

The Honourable Mr. H. G. Haig : I do not think I have read that statement.

Mr. K. C. Neogy : Will the Honourable Member please refer to the proceedings of this House where that statement finds a place ?

The Honourable Mr. H. G. Haig : I shall be very glad to look them up.

Mr. B. Das : Will the Honourable Member accept my assurance that with the advent of *Swaraj* there will be no terrorist movement in any part of India ?

The Honourable Mr. H. G. Haig : I am very glad to hear the Honourable Member's expression of opinion, but I very much doubt whether he is in a position to speak for the Bengal terrorists.

LACK OF WATER SUPPLY AT HATHRAS KILLAH STATION, EAST INDIAN RAILWAY.

136. ***Kunwar Raghubir Singh :** (a) Are Government aware that there is no arrangement for water supply at the Hathras Killah station of the East Indian Railway ?

(b) Have any watermen been reduced in connection with the present retrenchment campaign in State Railways ?

Mr. P. R. Rau : (a) The Agent, East Indian Railway, reports that arrangements exist at Hathras Killah for providing water to passengers.

(b) In the Eastern Bengal and East Indian Railways no waterman has been retrenched. On the North Western Railway during the hot weather in 1930 the number of watermen employed was 2,322, in 1931, 1,809 and in 1932, 1,835.

Information is at present not available as regards the Burma and Great Indian Peninsula Railways.

APPOINTMENT OF HINDUS IN SUPERIOR RAILWAY SERVICES.

137. ***Kunwar Raghubir Singh :** Are Government prepared to consider the advisability of appointing more Hindus in the superior Railway services ?

The Honourable Sir C. P. Ramaswami Aiyar : The policy of Government in respect of Indianisation of the superior services, in regard to the prevention of an undue preponderance of any community in the railway services, has been often explained on the floor of this House and I do not think there is anything for me to add on the subject.

Mr. K. C. Neogy : Is there an undue preponderance of the Hindus in the superior railway services ?

The Honourable Sir C. P. Ramaswami Aiyar : That is not admitted, Sir.

CONSULTATIVE COMMITTEE OF THE ROUND TABLE CONFERENCE.

138. ***Kunwar Raghubir Singh** : Are Government considering the advisability of dissolving the Consultative Committee in view of recent resignations by prominent members thereof ? What is the ratio of Hindu and Muslim representation thereon ?

The Honourable Sir C. P. Ramaswami Aiyar : The Honourable Member is referred to the address delivered by His Excellency the Governor General to this House on the 5th September.

For the ratio of Hindu and Muslim representation on the Committee, I would refer the Honourable Member to the press communiqué issued on the 13th January, 1932. A copy will be supplied to the Honourable Member if he so desires.

THIRD CLASS BOOKING OFFICE AT GAYA, EAST INDIAN RAILWAY.

139. ***Dr. Ziauddin Ahmad** (on behalf of Mr. Gaya Prasad Singh) :
(a) Has the attention of Government been drawn to a letter published in the *Liberty*, of Calcutta, dated the 12th June, 1932 (page 12), in which there is a complaint that the third class booking office at Gaya station (East Indian Railway) is open only for a few minutes before the arrival of a train, although it is notified that " tickets will be issued to passengers one hour before the departure of any train ", with the result that there is a tremendous rush at the booking window, and many passengers are left behind ?

(b) Are Government aware that Gaya is an important place of Hindu pilgrimage, where passengers come in large numbers ; and that the very name of Gaya is held sacred by the Hindus ?

(c) Do Government propose to inquire into the complaint and take steps that the booking office is actually kept open long enough to allow all the passengers to take the tickets, and that the Station Master must personally see that the orders are carried out ?

Mr. P. R. Rau : (a), (b) and (c). Government have seen the letter referred to. They are aware of the importance of Gaya as a place of Hindu pilgrimage and have brought to the notice of the Agent, East Indian Railway, the Honourable Member's question for such action as he considers necessary.

GOVERNMENT QUARTERS IN SUMMER HILL, SIMLA.

140. ***Mr. S. C. Mitra** (on behalf of Mr. Gaya Prasad Singh) : Will Government kindly state :

- (i) the total number of Government quarters in Summer Hill ;
- (ii) the number of quarters rented out to Government servants (Europeans, Anglo-Indians, and Indians separately) during the last five years ; and
- (iii) the number of quarters given out to members of the Central Legislature during the last five years ; the figures in (ii) and (iii) to be shown separately for each year ?

The Honourable Sir Frank Noyce : (i) It is assumed that the Honourable Member refers to the married clerks' quarters at Summer Hill. There are 84 such quarters available for allotment excluding one set reserved for a school.

(ii) and (iii). I place on the table a statement giving the information asked for.

Statement showing the number of quarters allotted to Government officials and Members of the Central Legislature at Summer Hill, Simla, during the years 1928—32.

Year.	Government officials.		Members of the Central Legislature.	Total columns 2—4.
	Europeans and Anglo-Indians.	Indians.		
1	2	3	4	5
1928	55	..	17	72
1929	45	..	17	62
1930	43	..	18	61
1931	49	..	20	69
1932	58	19	7	84

Note 1.—Indian clerks were not eligible for these quarters prior to 1932.

Note 2.—Separate figures are not available for European and Anglo-Indian clerks.

RECOMMENDATIONS OF THE INDIAN JAILS COMMITTEE.

141. ***Mr. S. C. Mitra** (on behalf of Mr. A. Das) : Do Government propose to carry out the recommendations of the Indian Jails Committee (1919-20) ? If so, when ?

The Honourable Mr. H. G. Haig : Many of the recommendations of the Jails Committee, 1919-20, have been carried out, though some have not been found feasible owing to want of funds. I would remind the Honourable Member that jails is a provincial subject and that the carrying out in detail of most of the Committee's recommendations has thus rested with Local Governments.

PARENTS AND GUARDIANS REQUIRED TO PAY FINES IMPOSED ON THEIR CHILDREN UNDER THE ORDINANCES.

142. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to place on the table a list showing in how many instances in each Province in India, since the Ordinances rule has come into operation, parents or guardians have been required to pay fines imposed on their sons and daughters who refused to pay the same ?

(b) In how many cases did the parents or guardians pay the same ?

(c) In how many cases did they refuse to pay and were consequently sent to jail ?

(d) Is there any other country in the whole of the world where Government similarly sent parents and guardians to jail for non-payment of fines imposed on their sons or daughters ? If so, where and under what circumstances ?

(e) Do Government propose to put a stop to such a practice ? If not, what justification have they got for it ?

The Honourable Mr. H. G. Haig : (a) to (c). I am not in possession of full details but my information is that the provisions of section 28 of the Emergency Powers Ordinance, 1932, and section 29 of the Special Powers Ordinance, 1932, have been used with discretion and only to a limited extent.

(d) The several powers conferred by these sections are not without precedent and I would invite attention to the somewhat similar provisions in the Madras, Bombay, Bengal and Central Provinces Children Acts and in the Burma Prevention of Crime (Young Offenders) Act, 1930. There is also a similar provision in section 18 of the Irish Public Safety Act, 1927.

(e) No. These provisions have been found most useful and have had the effect of inducing parents to exercise more control over their children and to prevent them from taking part in the civil disobedience movement, and thereby rendering themselves liable to imprisonment.

Mr. Lalchand Navalrai : Is the Honourable Member not even prepared to give the approximate number and instances of such cases in each province ?

The Honourable Mr. H. G. Haig : It would cause considerable trouble to make these inquiries.

Mr. Lalchand Navalrai : Does the Honourable Member know that this punishment of innocent parents for the faults of their children is alienating the feelings of loyal people as well ?

The Honourable Mr. H. G. Haig : We want to enforce the principle, and I think it is a very sound principle, of parental responsibility.

Mr. Lalchand Navalrai : Do Government want to enforce that principle, even though it alienates the feelings of loyal people ?

The Honourable Mr. H. G. Haig : I think, Sir, it is far more likely to alienate feelings if large numbers of children are put into jail.

Mr. B. Das : Is the Honourable Member aware that in many cases the offenders were not children at all but boys and girls who had attained majority and their parents had to pay their fines ?

The Honourable Mr. H. G. Haig : There is an age limit, Sir.

Mr. B. Das : What is that limit ?

The Honourable Mr. H. G. Haig : Sixteen, I think.

Mr. B. Das : May I enquire if it is not in the knowledge of the Honourable Member that there have been instances where parents have been punished for the offences of grown-up children ?

The Honourable Mr. H. G. Haig : They cannot be punished in contravention of the provisions of the section.

Mr. Lalchand Navalrai : Are Government sure that it is only children below 16 whose parents were punished ?

The Honourable Mr. H. G. Haig : Yes, Sir. The limit is certainly not above 16.

TEN PER CENT. EMERGENCY CUT IN THE SALARIES OF GOVERNMENT EMPLOYEES.

143. *Mr. Lalchand Navalrai : Will Government be pleased to state :

- (a) whether it is a fact that the Honourable the Finance Member made a statement to the press just before his departure to Ottawa that the Government revenue is fairly coming up and that the condition of India was financially sound ;
- (b) whether the emergency cut of ten per cent. in the salaries of the non-gazetted Government employees was ordered purely as a measure due to financial stringency ;
- (c) whether it is a fact that the financial stringency is not so acute now as it was when the emergency cut was enforced ; and
- (d) whether Government would consider the advisability of cancelling the cut now ?

The Honourable Sir Alan Parsons : (a) Sir George Schuster is reported to have stated to a representative of the *Times of India* that conditions in India were difficult but that he believed that they were 50 per cent. better than in most countries, and that, though prices had dropped severely since the budget estimates were prepared, revenue was nevertheless coming in fairly well. He is also reported to have conveyed the warning that, while he was confident that India would emerge from the world crisis more easily than other countries, the time for relaxation of effort was not yet in sight.

(b) The cut in the salaries of Government employees generally was an emergency measure to meet the financial situation.

(c) and (d). The situation is certainly not such as to warrant the removal of the cut this year or any relaxation in our efforts to economise.

Mr. Lalchand Navalrai : May I take it that the Honourable Member will not bring out a deficit budget next year ?

The Honourable Sir Alan Parsons : I am afraid the Honourable Member must wait for the presentation of next year's budget for any information he may want.

TEN PER CENT. EMERGENCY CUT IN THE SALARIES OF GOVERNMENT EMPLOYEES.

144. *Mr. Lalchand Navalrai : Will Government be pleased to state :

- (a) whether they had given hopes to consider cancellation of the emergency cut even before the end of the year 1932-33, provided the financial condition improved ;
- (b) whether it is a fact that substantial decrease in expenditure has been obtained as a result of the adoption of the recommendations of the Retrenchment Advisory Committee ; and
- (c) whether Government propose to consider the question of the cancellation of the cut at an early date ?

The Honourable Sir Alan Parsons : (a) Last year Sir George Schuster stated that if economic conditions so required or permitted, the cut would be reconsidered before the 31st March, 1933.

(b) Yes.

(c) I would refer the Honourable Member to the reply I have just given to his previous question.

REDUCTION OF ESTABLISHMENT IN GOVERNMENT OFFICES.

145. ***Mr. Lalchand Navalrai :** Will Government be pleased to state :

- (a) the main departments under their control wherein a general ten per cent. reduction in the establishment cadre has recently been enforced ; and
- (b) whether the above percentage of reduction was based on the actual decrease of work in the department or was arrived at without any consideration ?

The Honourable Sir Alan Parsons : (a) None.

(b) The reductions which have been made have been determined after a careful consideration of the circumstances of each individual department or office and as a measure of retrenchment.

SCHEME OF PROVIDENT FUND FOR GOVERNMENT EMPLOYEES.

146. ***Mr. Lalchand Navalrai :** Will Government be pleased to state :

- (a) whether during the debate in the Council of State on the Resolution moved by the Honourable Mr. Khaparde on the subject, it was stated that a scheme of Provident Fund on the lines of that in England is under the consideration of Government ;
- (b) if so, whether they have come to any decision in the matter ;
- (c) if the reply to part (b) be in the affirmative, when the scheme is likely to be published for the opinion of service associations, etc. ; and
- (d) the probable date when Government expect to bring the scheme in force ?

The Honourable Sir Alan Parsons : (a) Yes

(b) No.

(c) The Government of India have recently consulted Provincial Governments on a scheme of this sort and told them that they had no objection to service associations being consulted if the Provincial Governments wished.

(d) I am afraid I cannot at this stage express any opinion whether the scheme will be adopted, or as to the date on which it might come into force.

Mr. S. C. Jog : Was it not on the assurance of Government that effect would be given soon to the proposals that the Honourable Member withdrew his Resolution ?

The Honourable Sir Alan Parsons : I should have to refer to the records of the debate before I can confirm my Honourable friend's statement as to why Mr. Khaparde withdrew his Resolution. But the actual position, I may explain, is this : the scheme as originally proposed was referred to service associations and, as far as I remember, was rejected by 90 out of 95 associations consulted.

Mr. S. G. Jog : Is it not a fact that the scheme is pending for a long time and is overdue now ?

The Honourable Sir Alan Parsons : The scheme has certainly been pending for a long time. Whether it can be described as overdue depends on whether it is considered likely that the scheme will be popular among those persons to whom it will be applied.

Mr. N. M. Joshi : May I ask what steps Government have taken to improve the scheme to make it more popular with the service associations ?

The Honourable Sir Alan Parsons : The only steps which Government can take to improve the scheme are those which would involve very considerable extra expenditure for which at the present moment Government have no funds.

Mr. Lalchand Navalrai : Does the Honourable Member realise that unless the scheme is put into force, it cannot be said whether it is going to be popular or not ?

The Honourable Sir Alan Parsons : The officers of Government are perfectly well able to judge before a scheme comes into force whether they would like the scheme to be brought into force or not.

Mr. Lalchand Navalrai : What is the impediment in the way of bringing it out at once ?

The Honourable Sir Alan Parsons : The first impediment is that we are by no means certain that the scheme will be popular among those persons to whom it will be applied and secondly, that if we made it more popular it will cost more money than the Government of India can at present afford.

MEMORIAL FOR INCREASE IN THE SCALE OF PENSIONS OF THE MENIAL STAFF OF VARIOUS CENTRAL OFFICES IN BOMBAY.

147. ***Mr. Lalchand Navalrai :** Will Government be pleased to state :

- (a) whether it is a fact that a memorial was addressed to His Excellency the Viceroy by the menial staff of various Central Offices in Bombay praying for an increase in the scale of pensions ;
- (b) if so, whether the relief prayed for was granted, and, if not, the reasons therefor ;
- (c) whether the Government of India are aware that the Bombay Government have increased the scale of pensions in the case of their menial staff ; and
- (d) if reply to part (c) be in the affirmative, what action Government propose to take in the case of their menial staff ?

The Honourable Sir Alan Parsons : (a) Yes.

(b) No ; the reason is indicated in the reply to part (d).

(c) Yes.

(d) The Government of India have had under consideration the general question of the revision of pensions of their inferior servants, but it has been decided that the matter must be postponed until the financial position improves.

Mr. Lalchand Navalrai : I hope it is not going to be postponed till doomsday ?

The Honourable Sir Alan Parsons : I hope the improvement in our financial position will not be postponed till doomsday.

Mr. Lalchand Navalrai : May I understand approximately when it will come into force ?

The Honourable Sir Alan Parsons : I am afraid I am entirely unable to prophesy.

NEW SCALES OF PAY IN THE OFFICES UNDER GOVERNMENT OF INDIA.

148. ***Mr. Lalchand Navalrai :** Will Government be pleased to state :

- (a) whether new scales of pay have been introduced in any of the offices under the Central Government ;
- (b) if the reply to part (a) be in the affirmative, in what offices and from what date have such scales been introduced ;
- (c) whether a new and lower scale has been introduced in the Currency Offices in India for the supervising staff in the Treasurer's Department from 1st March, 1932 ; and
- (d) if the reply to part (c) be in the affirmative, why the Currency Department alone has been selected for the first application of a lower scale ?

The Honourable Sir Alan Parsons : (a) and (b). No, as a general rule, but in certain cases, new appointments of outsiders on a temporary footing are being made at reduced rates which will be subject to reconsideration when the revised scales are finally approved.

(c) The procedure indicated above has been adopted in the case of appointments on the Treasurer's side in Currency Offices which are on the temporary basis.

(d) Does not arise.

SCALES OF SECURITY OF CERTAIN EMPLOYEES IN THE BOMBAY CURRENCY OFFICE.

149. ***Mr. Lalchand Navalrai :** Will Government be pleased to state the scales of security of Shroffs, Clerks of different grades, Assistant Treasurers and Treasurers of the Bombay Currency Office in the years 1912, 1922, 1927 and 1932 ?

The Honourable Sir Alan Parsons : A statement is laid on the table.

The Treasurer in 1912 paid Rs. 50,000 as security. There was no fixed scale then for the other officials. The Treasurer, however, used to deduct in most cases Rs. 5 from the salary of each clerk every month towards security and deposit the amounts in the Post Office Savings Bank. The following were the scales of security prescribed for the years 1922, 1927 and 1932 :—

1922.					Rs.
Treasurer	..	..	..	..	50,000
Deputy Treasurer	..	..	..	..	10,000
Assistant Treasurers	..	..	..	..	5,000
Clerks on Rs. 125	..	..	..	..	4,000
Other clerks drawing more than Rs. 80			..	..	3,000
Other clerks drawing Rs. 50 to Rs. 80			..	..	1,500
Head Shroff	..	..	..	..	1,000
Other shroffs	..	..	..	..	500
1927 and 1932.					
Treasurer	..	..	..	..	50,000
Deputy Treasurer	..	..	..	..	10,000
Assistant Treasurers	..	..	..	..	5,000
Clerks drawing Rs. 130 or more per month			..	..	4,000
Clerks drawing Rs. 111 to Rs. 129	..	..	..	..	3,000
Clerks drawing Rs. 81 to Rs. 110	..	..	..	..	2,500
Clerks drawing Rs. 40 to Rs. 80	..	..	..	..	1,500
Head Shroff	..	..	..	..	1,000
Other shroffs	..	..	..	..	500
Temporary clerks	..	..	..	..	500
Temporary shroffs	..	..	..	..	300

The permanent staff of the Treasurer's Department have the option of giving their securities in Government promissory notes or Fidelity bonds.

LOSS IN THE BOMBAY CURRENCY OFFICE BY WAY OF OVERPAYMENT, ETC.

150. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state whether the losses incurred in the Currency Offices by way of over-payments, forging of mis-matched and forged notes, Mint debits, etc., are made good by the staff direct or by the Treasurer in accordance with article 29 of the Currency Code ?

(b) Will Government be pleased to state the total amount of such loss incurred during the last six months (January to June, 1932) in the Bombay Currency Office ?

(c) Will Government be pleased to state :

(i) whether it is a fact that the staff of the Bombay Currency Office have started Debit Funds to make good such losses ;

(ii) if the reply to (i) be in the affirmative, whether the responsibility of the present Treasurer of the Currency Office has been considerably reduced on account of the direct payments made by the staff and of the increase in the rate of security of the subordinate staff ?

The Honourable Sir Alan Parsons : (a) All losses have to be made good by the member or members of the staff responsible for them. The Treasurer is however also responsible for making good any losses incurred in his department when called upon to do so.

(b) Rs. 1,462-2-0 of which Rs. 395 represented mismatched and forged notes and Rs. 1,067-2-0 Mint and other debits on account of coin.

(c) (i) It is understood that the clerks and shroffs have instituted amongst themselves two separate funds from which amounts debited against them on account of losses can be made good. These funds have no official basis and are purely voluntary.

(ii) The general responsibility of the Treasurer under his bond remains intact and it may be said that his responsibility has increased in recent years rather than the reverse owing to increases in the volume of transactions.

Mr. Lalchand Navalrai : Does the Honourable Member know whether the Treasurer is also a party to starting the deficit fund to make good such losses ?

The Honourable Sir Alan Parsons : No. I do not know.

REDUCTION IN THE PAY OF TREASURERS OF CURRENCY OFFICES.

151. ***Mr. Lalchand Navalrai :** Will Government be pleased to state :

(a) whether it is a fact that suggestions were made to the General Purposes Retrenchment Sub-Committee that the pay of the Treasurers of the Currency Offices should be reduced in view of the fact that the responsibility of the Treasurers has been considerably reduced on account of the increase in the security of their subordinates ;

(b) if so, what action have Government taken in that direction ?

The Honourable Sir Alan Parsons : (a) Not so far as the Government are aware.

(b) Does not arise.

GARHWALI MILITARY PRISONERS.

152. ***Sardar Sant Singh :** (a) Do Government intend to review the cases of the Garhwali military prisoners who were sentenced to long terms of imprisonment ? If so, when ?

(b) Is it a fact that certain allowances are given by the Military Department for their food and other requirements ? If so, what amount is paid for each prisoner and to what authority ?

(c) Is it a fact that they are given ordinary C class food which cost the Jail authorities an anna and a half a day ? If so, who takes the balance, if any, of the amount paid by the Military Department ?

(d) Is it a fact that an application was made by those prisoners to be transferred from Lahore Central Jail to some Jail where they would be able to associate with men knowing their language ? If so, what has been the result of their application ?

Mr. G. R. F. Tottenham : (a) The cases of four of the prisoners have already been reviewed and orders have been issued for the remission of the unexpired portions of their sentences.

The cases of the others, who were sentenced to longer periods of imprisonment, will be reviewed periodically in accordance with the usual practice.

(b) No, Sir. There is no authority under which any allowance may be paid from Army funds on account of military convicts undergoing imprisonment in civil jails.

(c) The convicts are treated as 'C' class prisoners. The second part of the question does not arise.

(d) Yes. Under the powers provided by the Prisoners Act which is administered by the Home Department, the Government of India have ordered the transfer of three of the prisoners to a jail in the United Provinces, and the question of transferring the remainder is, I believe, under consideration.

Mr. C. S. Ranga Iyer : Will the Government be pleased to consider the advisability of treating these Garhwali prisoners as 'B' class prisoners ?

Mr. G. R. F. Tottenham : That, I think, is a matter for the Local Government.

Mr. C. S. Ranga Iyer : Will the Government be pleased to advise the Local Government in this matter, especially in view of the circumstances under which these people were imprisoned ?

Mr. G. R. F. Tottenham : I do not know on what grounds the Honourable Member suggests that we should advise the Local Government ?

Mr. C. S. Ranga Iyer : On the very ground that some of them have been released and in the case of some their terms have been remitted.

Mr. G. R. F. Tottenham : The grounds on which the sentences have been remitted are entirely different from the grounds on which prisoners are classified into A, B or C.

Mr. C. S. Ranga Iyer : But these military prisoners were sentenced to imprisonment under certain circumstances which though delicate call for a different kind of treatment for them.

Mr. G. R. F. Tottenham : May I know if that is a question or a statement ?

Mr. C. S. Ranga Iyer : I ask, will the Government be pleased to consider the advisability of giving them 'B' class treatment in view of the circumstances under which these people were sentenced being of a character calling for some reconsideration ?

Mr. G. R. F. Tottenham : I will consider the suggestion. I cannot give any undertaking, but I will consider it.

†153.*

†This question was not asked by the Honourable Member.

DISMISSAL OR DISCHARGE OF PERSONS FROM STATE RAILWAYS.

154. ***Sardar Sant Singh** : Will Government kindly state separately the total number of Indians, Anglo-Indians and Europeans dismissed or discharged from services from the State Railways in India for the period from the 1st January, 1930 up to the middle of August, 1932 ?

Mr. P. R. Rau : I have called for information and will lay a reply on the table in due course.

DISMISSAL OR DISCHARGE OF PERSONS FROM THE GOVERNMENT OF INDIA DEPARTMENTS.

155. ***Sardar Sant Singh** : Will Government kindly furnish a statement showing separately the total number of Indians, Anglo-Indians and Europeans dismissed or discharged from all departments under the Government of India for the period from the 1st January, 1930 up to the middle of August, 1932 ?

The Honourable Mr. H. G. Haig : Information is being collected and when complete will be laid on the table.

NUMBER OF PERSONS ARRESTED, CONVICTED AND UNDERGOING IMPRISONMENT IN CONNECTION WITH CIVIL DISOBEDIENCE MOVEMENT.

156. ***Sardar Sant Singh** : Will Government be pleased to state the total number of arrests made in each province since the 1st January, 1932, in connection with the civil disobedience movement, the number convicted and the number at present undergoing sentence ?

The Honourable Mr. H. G. Haig : I lay on the table a statement giving the information in my possession. I regret I have no information as to the number of arrests.

Statement showing (a) number of persons convicted for offences connected with the civil disobedience movement up to the end of July, 1932 and (b) the number of persons undergoing imprisonment at the end of July, 1932.

Province.	Number of persons convicted for offences connected with the civil disobedience movement up to the end of July, 1932.	Number of convicted persons undergoing imprisonment at the end of July, 1932.
Madras	2,597	1,774
Bombay	10,409	6,447
Bengal	10,211	3,693
U. P.	10,766	4,953
Punjab	1,515	895
Burma .. .. .	..	..
B. & O.	8,911	2,542
C. P.	3,668	1,166
Assam	1,138	722
N. W. F. P.	5,158	1,988
Delhi	887	384
Coorg	204	67
Ajmer-Merwara	244	101
Total	55,708	24,732

REVOLUTIONARY CRIMES IN 1932.

157. *Sardar Sant Singh : (a) Will Government be pleased to state the number of anarchist crimes committed or attempted by the revolutionaries during the year 1932 ?

(b) Will Government be pleased to state the total number of arrests made in each province in the year 1932 of persons connected with the revolutionary crime, the number tried, the number detained without any trial, the number convicted by the trial court and the number acquitted by the appellate court, the number sentenced to death or transportation for life and the number actually executed ?

The Honourable Mr. H. G. Haig : The information is being collected and a statement will be laid on the table in due course.

USE OF FORCE BY THE POLICE AND MILITARY IN DISPERSAL OF UNLAWFUL ASSEMBLIES.

158. *Sardar Sant Singh : Will Government be pleased to state the number of times the police or military authorities had to use force in dispersing unlawful assemblies in each province during the year 1932? How many persons were injured in each Province ?

The Honourable Mr. H. G. Haig : I lay a statement on the table giving information showing the occasions on which unlawful assemblies were dispersed by firing, and the casualties involved.

Statement showing the number of occasions during 1932 up to 31st July on which firing was resorted to to disperse unlawful assemblies and casualties among public from firing.

Province.	Casualties among the public.		
	Killed.	Wounded.	
MADRAS.			
Berhampur (Ganjam District). 15-1-32 ..	1	2	
BENGAL.			
Kendua Beel, P. S. Fakirhat, District Khulna. 19-1-32.	..	..
Latakhola, P. S. Dohar, District Dacca. 23-1-32.	..	..
Hashnabad, P. S. Laksham, District Tippera. 13-2-32.	2	33	(one subsequently died.)
Daulatkhan, P. S. Daulatkhan, District Bakarganj. 12-3-32.	..	2	
Moradanga Beel, P. S. Rajbari, District Faridpur. 16-3-32.	2	1	
Tekhalibazar, P. S. Nandigram, District Midnapore. 25-3-32.	..	1	
Chargobra, P. S. Mollahat, District Khulna. 29-3-32.	1	..	

Province.	Casualties among the public.		
	Killed.	Wounded.	
Dewanganj, P. S. Goghat, District Hoogly. 11-4-32.	3	5	(including one who subsequently died.)
Chandipur, P. S. Bhairamara, District Nadia. 14-4-32.	..	15	
Bara Kalicharanpur, P. S. Nandigram, District Midnapore. 6-5-32.	..	1	(subsequently died.)
Shanpur, P. S. Bantra, District Howrah. 9-5-32.	1	2	
Upper Circular Road, Calcutta. 17-5-32 ..	..	2	
Tehatta, P. S. Tehatta, District Nadia. 19-6-32.	1	3	
Aksa, P. S. Gangarampur, District Dinajpur. 1-7-32.	..	2	
Masuria, P. S. Bhagwanpur, District Midnapore. 4-7-32.	3	8	
Haibhar Uttar, P. S. Denton, District Midnapore. 12-7-32.	..	1	
Omarbad-Shasania, P. S. Homna, District Tippera. 30-7-32.	..	1	
UNITED PROVINCES.			
Benares City. 5-1-32	3	38	
Ramkola, District Gorakhpur. 13-1-32 ..	..	..
Jagannathpur, District Budaun. 16-1-32..	1	2	
Simaria, District Hardoi. 26-1-32 ..	3	31	
Meja, District Allahabad. 26-1-32 ..	..	4	
Allahabad. 8-4-32	2	33	
Umramau, District Rae Bareli. 5-7-32 ..	..	2	
BIHAR AND ORISSA.			
Motihari, District Champaran. 26-1-32 ..	2	8	
Tarapur, District Monghyr. 15-2-32 ..	13	24	
Sheohar, District Muzaffarpur. 28-2-32 ..	5	8	
Bombay	34	91	
North-West Frontier Province	2	..	

NOTE.—The above statement excludes Burma for which province information has not yet been received.

QUANTITY OF PETROL PRODUCED IN INDIA.

159. ***Sardar Sant Singh** : Will Government be pleased to state the quantity of petrol produced in India in the year 1930-1931 ? What is the known production for the whole world for that period ? What is the price per gallon in India and what is the price per gallon in England, France and the United States of America ? Is it a fact that companies dealing in petrol have entered into a combination to raise the price in India ? Do Government propose to take any steps to break this combination ? If so, what ?

The Honourable Sir C. P. Ramaswami Aiyar : The quantity of petrol produced in India during the year 1930-31 was 73,311,981 gallons.

Information regarding the world's production of petrol is not available. According to the Statistical Year Book of the League of Nations, 1931-32, however, the world's production of petroleum in 1930 was 195 million metric tons.

The prices of petrol in India, England and the United States of America were as follows on the dates indicated :

Calcutta, Bombay and Madras	Rs. 1-5-6 per Imperial Gallon in bulk <i>ex-pump</i> . (From 13th August, 1932).
London	.. .. 1s. 1½d. to 1s. 3½d. per gallon (month ending June 25, 1932).
New York	.. .. 13.5 cents per American gallon and 16.5 cents per Imperial gallon. (9th July, 1932).

Information regarding the price of petrol in France is not available.

The Government of India have no information of any combination between companies dealing in petrol to raise the price in India and the question of their taking steps to break the combination does not arise.

Dr. Ziauddin Ahmad : Is it not a fact that the B. O. C. petrol is sold at a cheaper rate in London than at Calcutta ?

The Honourable Sir C. P. Ramaswami Aiyar : I want notice.

Dr. Ziauddin Ahmad : Is it not contained in the Honourable Member's reply ?

The Honourable Sir C. P. Ramaswami Aiyar : No ; we have collected materials in answer to the particular questions. Whether on a particular day or on a particular occasion petrol was sold cheaper there than here is a matter which, except to the extent appearing from the figures now supplied, must be investigated.

Mr. S. G. Jog : Will the Honourable Member state as to what is the reason for such a difference between Indian prices and prices in England ?

The Honourable Sir C. P. Ramaswami Aiyar : There are many reasons but to be accurate I want notice of that question.

Dr. Ziauddin Ahmad : Is it not a fact that the Honourable gentleman said that the price in India is Rs. 1-5-6 per gallon while the price in England is 1s. 1½d. per gallon and does it not follow that the price in England is much cheaper than it is in India ?

The Honourable Sir C. P. Ramaswami Aiyar : It is arithmetically perfectly accurate.

Sardar Sant Singh : Is it not a fact that petrol produced at Rawalpindi by the Attock Oil Company is sold in Rawalpindi dearer than it is in London ?

The Honourable Sir C. P. Ramaswami Aiyar : I am obliged to the Honourable Member for the information.

Dr. Ziauddin Ahmad : Is petrol produced in England ?

The Honourable Sir C. P. Ramaswami Aiyar : So far as I am aware it is not produced there.

Dr. Ziauddin Ahmad : Then the petrol has to be imported from Burma ?

The Honourable Sir C. P. Ramaswami Aiyar : There are other sources : America is a somewhat considerable source.

Dr. Ziauddin Ahmad : Do we not get petrol in India from the same source ?

The Honourable Sir C. P. Ramaswami Aiyar : That is so.

Dr. Ziauddin Ahmad : Then how is it that since we get petrol from the same source as England, it is more expensive here ?

The Honourable Sir C. P. Ramaswami Aiyar : That depends upon various considerations including freight, shipping and conditions with regard to the import and export of petrol.

Dr. Ziauddin Ahmad : The conditions regarding shipping and freight are in favour of India since we get it from Rangoon ?

The Honourable Sir C. P. Ramaswami Aiyar : From Burma, yes.

Sardar Sant Singh : Will Government kindly undertake to see whether there is a combination of these oil companies which are mulcting the people in India ?

The Honourable Sir C. P. Ramaswami Aiyar : So far as our information goes there is no such combination but as the Honourable Member has asserted that there is one, the matter will be investigated.

STATEMENTS LAID ON THE TABLE.

Mr. P. R. Rau (Financial Commissioner, Railways) : Sir, I lay on the table :

- (i) the information promised in reply to starred question No. 911
asked by Mr. Lalehand Navalrai on the
12 noon. 23rd March, 1932 ;
- (ii) the information promised in reply to parts (b) and (h) of
starred question No. 889 asked by Bhai Parma Nand on
the 23rd March, 1932 ;
- (iii) the information promised in reply to unstarred question No
247 asked by Lala Rameshwar Prasad Bagla on the 23rd
March, 1932 ; and

- (iv) the information promised in reply to unstarred question No. 248 asked by Lala Rameshwar Prasad Bagla on the 23rd March, 1932.

PROMOTION OF GUARDS ON THE NORTH WESTERN RAILWAY.

911. (a) (i) The number of Guards in Grades IV, III and II on the North Western Railway in the year 1926-27 were :—

Grade IV.	Grade III.	Grade II.	Total.
250	588	612	1,250

(ii) The numbers at present are :—

Grade IV.	Grade III.	Grade II.	Total.
173	335	645	1,153

(b) This depends on the state of traffic and the extent of the total reduction which may become necessary cannot be forecasted.

(c) The decrease is due partly to the fall in traffic and partly to the fact that the duties of Luggage Guards are now generally carried out by Guards in Grade II ; previously Guards in Grades III and IV were also employed on this work.

(d) The strength of the cadre of Guards and drivers more than the strength of any other category of staff fluctuates directly with the fluctuation of traffic offering. The percentages of decreases in the strength of the cadre of Guards in Grades III and IV on the Lahore Division as compared with that of drivers of the same grades on that Division are shown below :—

	Grade IV.	Grade III.
Guards	48 per cent.	25 per cent.
Drivers	48 per cent.	30 per cent.

(e) The numbers of European and Anglo-Indian Guards in Grades III and IV as compared with Indian Guards in these Grades are as shown below :—

	European and Anglo-Indian.	Indian.
Grade IV	130	43
Grade III	72	263

(f) Out of a total number of 780 Guards in Grade II, 17 men have been blocked on the maximum of the scale for periods varying from 6 to 8 years.

(g) The strength of Guards in the various grades is primarily fixed according to requirements of work. Government do not propose to require a revision of the cadre as they do not think a case for doing so exists.

ALLOWANCES OF TRAVELLING TICKET EXAMINERS.

889. (b) A form of crew system was tried on the Lahore Division from the end of 1922 to February 1924. Travelling Ticket Examiners on this experiment were given average mileage allowance and Ticket Collectors daily allowance.

(h) No. Out of a total number of 135 of the staff previously employed as Travelling Ticket Examiners only 16 were recruited from the Guards' list.

HIGHER GRADES IN ESTABLISHMENT BRANCHES OF HEADQUARTERS AND DIVISIONAL SUPERINTENDENTS' OFFICES ON THE NORTH-WESTERN RAILWAY.

247. (a) Yes.

(b) Posts are allotted by grades according to the needs of the work in each branch and, in the view of the administration, the work in the Establishment Branch calls for a higher proportion of posts in higher grades than the work in other Branches. Government are not prepared to interfere with the discretion of the Administration in a matter of this nature.

(c) Does not arise.

PROMOTION OF CLERKS AT THE HEADQUARTERS OFFICE, NORTH WESTERN RAILWAY.

248. Yes. This is due to the fact that in the past promotions to higher grades were ordinarily made on the basis of seniority by Branches. Cases of clerks blocked as a result of this procedure are being examined and the names of those considered suitable will be registered for transfer to appointments in higher grades in other Branches (including Establishment) on occurrence of vacancies.

The Honourable Sir Frank Noyce (Member of Industries and Labour) : Sir, I lay on the table the information promised in reply to starred question No. 714 asked by Sardar Sant Singh on the 9th March 1932 ; also the information promised in reply to parts (a) (i) and (ii) of starred question No. 402 asked by Khan Bahadur Haji Wajihuddin on the 17th February, 1932 ; and also the information promised in reply to starred question No. 799, asked by Khan Bahadur H. M. Wilayatullah on the 14th March, 1932.

PAUCITY OF SIKHS EMPLOYED IN THE GOVERNMENT OF INDIA PRESS, SIMLA AND NEW DELHI.

714.

	Hindus.	Muslims.	Sikhs.	Others.	Totals.
Government of India Press, Simla—					
Officiating vacancies ..	229	278	9	17	533
Temporary vacancies ..	27	19	3	2	51
Permanent vacancies ..	27	20	2	8	57
Government of India Press, New Delhi—					
Officiating vacancies ..	169	138	2	32	341
Temporary vacancies ..	2	2	1	1	6
Permanent vacancies ..	2	..	1	..	3

NUMBER OF MUSLIM AND HINDU POSTMEN IN CERTAIN SUB-DIVISIONS.

402.

	(a) (i)		(a) (ii).			
	Postman.	Inferior servants.	Postman.		Inferior servants.	
			Muslims.	Hindus.	Muslims.	Hindus.
In Dehra Dun Sub-Division	51	63	2	49	1	62
In Saharanpur	61	23	22	39	12	11

INJUSTICE TO MUSLIMS IN THE POSTAL DEPARTMENT.

799. (a) If, as is presumed, the Honourable Member refers to an article dated the 29th February, 1932 and not the 29th February, 1931, as stated in the Honourable Member's question, the reply is in the affirmative.

(b) No. There was no permanent vacancy, but 16 (not 11, as stated by the Honourable Member) purely temporary vacancies. No applications were invited from candidates for filling up these temporary vacancies.

(c) No. Of the 16 temporary appointments, 6 were given to members of minority communities, 4 of whom were Muslims. Of these 4 Muslims, two were graduates, 1 a Matriculate and the other a non-matriculate.

(d) The Honourable Member is referred to the reply given to part (c).

(e) Yes, two of ten majority community candidates were non-matriculates.

(f) Yes.

(g) The two non-matriculate candidates referred to in the reply to part (e) above were wrongly given preference to candidates with better educational qualifications on the ground that they were related to postal officials. Such preference is not permitted by departmental rules and the mistake is being pointed out to the Head of the Circle concerned.

The Honourable Sir C. P. Ramaswami Aiyar (Member for Commerce and Railways) : Sir, I lay on the table the information promised in reply to starred question No. 537 asked by Lala Hari Raj Swarup on the 29th February, 1932.

SUPERIOR STAFF OF THE
BOMBAY

537.

Europeans.

Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Direction.</i>				
Mr. W. R. S. Sharpe, M.Inst. T.	Chairman ..	3,000—100—3,500	3,100	18 0
<i>Secretary's Department.</i>				
Mr. N. M. Morris ..	Secretary ..	1,400—75—1,700	1,700	20 0
<i>Chief Accountants' Department.</i>				
Mr. W. E. McDonnell ..	Sr. Asst. Acott. ..	700—40—900	860	21 0
<i>Chief Engineer's Department.</i>				
Mr. G. E. Bennett ..	Chief Engineer ..	2,750—125—3,000	3,000	6 0
„ A. Hale-White ..	Dy. Chief Engineer	1,800—100—2,300	2,000	12 0
„ F. P. G. Carron ..	Executive Engineer	1,000—75—1,600	1,600	11 0
„ G. E. Terry ..	Do. ..	1,000—75—1,600	1,450	12 0
„ J. A. Rolfe ..	Do. ..	1,000—75—1,600	1,225	8 0
„ E. L. Evera ..	Sr. Asst. Engineer	600—50—1,300	1,100	9 0
„ L. B. Andrew* ..	Chief Draftsman ..	850—30—1,000	880	2 0

*On agreement for five years.

VARIOUS PORT TRUSTS.
PORT TRUST.

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
<i>Direction.</i>		Rs.	Rs.	Yrs. Mths.
..
<i>Secretary's Department.</i>				
Mr. A. S. Bakre ..	Deputy Secretary ..	700—50—900	900	8 0
<i>Chief Accountants' Department.</i>				
Mr. C. P. Gay ..	Chief Accountant ..	1,800—100—2,300	2,300	31 0
„ J. F. Pereira ..	Deputy Accountant	1,000—75—1,450	1,450	24 0
„ H. W. Scott (a) ..	Asst. Acctt. (Rev.)	650—40—850	830	18 0
„ R. O. Collyer ..	Asst. Acctt. (General).	600—40—800	800	17 0
„ A. N. Moos (a) ..	Asst. Acctt. (Loan)	550—25—700	550	16 0
„ M. J. Murzello (a)	Jr. Asstt. Acctt. (Outside Audit).	375—25—500	345	32 0
„ R. B. C. Cour-Palais (a)	Jr. Asst. Acctt. (Railway).	375—25—500	400	9 0
„ V. D. Jog ..	Cashier	375—25—500	500	14 0
<i>Chief Engineer's Department.</i>				
Mr. P. E. Vazifdar ..	Sr. Assistant Engineer.	600—50—1,300	1,100	18 0
„ H. N. Baria ..	Do. ..	Do. ..	900	22 0
„ F. M. Surveyor (b)	Do. ..	600—50—900	800	3 0
„ J. N. Dubash ..	Jr. Assistant Engineer.	600—40—800	800	19 0
„ S. H. Mehta ..	Do. ..	Do. ..	720	18 0
„ S. C. Goiporia ..	Do. ..	Do. ..	760	17 0
„ D. V. Kohli (c) ..	Asstt. Mechl. Supdt.	700—40—780 with free quarters.	700	0 2

BOMBAY PORT

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Chief Engineer's Department—contd.</i>				
Mr. Ralf McMurrery ..	Mechl. Supdt. ..	1,450—75—1,750 + Special Pay Rs. 200 with free quarters.	1,750 + 200	18 0
„ R. B. McGregor ..	Sr. Asst. Mechl. Superintendent.	1,000—50—1,250 with free quarters.	1,250	11 0
„ B. C. Sharpe ..	Asst. Mechl. Supdt.	750—50—1,000 with free quarters.	1,000	9 0
„ S. J. Watt ..	Do. ..	Do. ..	1,000	9 0
„ W. O. A. Young ..	Do. ..	Do. ..	1,000	7 0
„ J. P. Shaw ..	Sr. Foreman Driver	750—30—900 with free quar- ters.	900	10 0
„ J. F. Mackenzie ..	Jr. do. ..	700—30—850 with free quar- ters.	850	9 0
„ P. Cassini ..	Quarry Supdt. ..	650—30—800 with free quar- ters.	800	24 0
„ A. C. Strelley ..	Chief Foreman ..	700—40—900 with free quar- ters.	900	23 0
„ B. Shaw ..	Foreman Machine .. shop.	550—25—650 with free quar- ters.	650	11 0
„ J. McCracken ..	Foreman Outside ..	550—25—650 with free quar- ters.	650	11 0
„ G. B. Laws ..	Foreman Boiler- maker Shop.	500—25—650 with free quar- ters.	600	5 0
„ J. C. R. Walsh ..	Foreman Shipwright and Carpenter Shop.	Do. ..	575	3 0

TRUST—(continued).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Chief Engineer's Department—contd.</i>				
Mr. Zafar Ahmed (a)	Jr. Asstt. Mechl. Supdt.	400—20—500	300	1 0
„ B. P. Secretary ..	Sub-Engineer ..	300—25—550	550	22 0
„ S. C. Pastakia ..	Do. ..	Do. ..	550	12 0
„ M.S. Autia ..	Do. ..	Do. ..	525	12 0
„ P. E. Golwalla ..	Do. ..	Do. ..	425	12 0
„ N. H. Seerwai ..	Do. ..	Do. ..	400	11 0
„ R. V. Pandurang	Do. ..	Do. ..	325	9 0
„ N. P. Sanjana ..	Do. ..	Do. ..	425	11 0
„ F. K. Chhapgar	Do. ..	Do. ..	400	11 0
„ Moses Solomon	Do. ..	Do. ..	475	31 0
„ Shamsing Pall ..	Do. ..	Do. ..	550	11 0
„ V. H. Saraph ..	Do. ..	Do. ..	325	6 0
„ S. P. Sinor ..	Do. ..	Do. ..	550	11 0
„ R. N. Hilluwalla	Do. ..	Do. ..	425	11 0
„ C. S. Gomes (b) ..	Do. ..	Do. ..	270 10 S. P.	22 0
„ T. B. Hawkins ..	Personal Asst. to the Chief Engineer.	600—40—800	800	17 0
„ N. S. Deshmukh	Electrical Foreman	500—30—650	560	2 0
„ J. Andeen ..	Engr. Hydr. Estt., Princes' Dk.	500—30—650 with free quarters.	650	18 0
„ H. E. Peppin ..	Engr. Hydr. Estt., Victoria Dk.	Do. ..	560	12 0
„ S. Benjamin ..	Asstt. Engr. Hydr. Estt.	400—20—500 with free quarters	460	3 0

(a) On agreement.

BOMBAY PORT

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
<i>Chief Engineer's Department—contd.</i>		Rs.	Rs.	Yrs. Mths
Mr. A. S. Benfold ..	Electrical Foreman	500—30—650	650	8 0
„ E. G. Prior ..	Sr. Shipwright and Carpenter Foreman.	700—40—900 with free quarters.	900	11 0
„ J. F. Latts ..	Jr. do. ..	600—25—650 with free quarters.	650	9 0
„ F. A. Walton ..	Loco. Foreman ..	400—25—500 with free quarters.	500	14 0
„ R. M. Stroger ..	Dredging Master ..	650—30—800 with free quarters.	800	21 0
„ J. Walker ..	Chief Engineer and Railway Dredging Master.	Do.	800	9 0
„ R. Mo Cracken ..	2nd Engineer ..	500—30—650	650	10 0
„ P. M. Lyons ..	Chief Engineer and Dredging Master.	650—30—800 with free quarters.	710	12 0
„ D. H. MacLachlan	Engineer and Dredging Master.	500—30—650	650	10 0
„ L. J. Bolcourt ..	Engineer, Hydraulic Establishment, Alexandra Dock.	700—40—900 with free quarters.	740	8 0
<i>Controller of Stores Department.</i>				
Mr. H. E. Lees ..	Controller of Stores	1,300—75—1,600	1,600	17 0
„ W. J. Wilson ..	1st Asst. do.	600—40—800	800	17 0
<i>Land and Bunders Department.</i>				
Mr. F. H. Taylor ..	Manager ..	1,800—100—2,300	1,900	12 0

TRUST—(continued.)

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
<i>Chief Engineer's Department—contd.</i>		Rs.	Rs.	Yrs. Mths.
Mr. G. R. Mullen ..	Pumping Foreman, Hughes Dry Dk.	500—30—650 with free quarters.	650	11 0
„ J. X. D'Souza ..	2nd Engr. Dredging	500—30—650	560	9 0
„ N. S. W. Dyson	Engineer ..	400—20—500	500	6 0
„ A. Monteiro ..	Do. ..	Do. ..	500	6 0
„ E. S. Clarke ..	Do. ..	Do. ..	500	8 0
„ E. Chamarette ..	Do. ..	Do. ..	420	2 0
„ R. D. MacDonald	Do. ..	500—30—650	650	22 0
„ P. R. Sahashra-budhe.	Surveyor Prel. investigation.	300—25—550	425	6 0
<i>Controller of Stores Department.</i>				
Mr. B. F. Davidson ..	2nd Asst. Controller	400—40—600	560	16 0
<i>Land and Bunders Department.</i>				
Mr. B. C. Durant ..	Dy. Manager ..	1,000—75—1,450	1,225	17 0
„ R. G. Deshmukh	Personal Asst. ..	350—30—500	470	4 0
„ F. E. Dubash ..	Land Valuer ..	400—40—800	800	11 0
„ H. G. Doshi ..	Surveyor ..	300—25—550	550	11 0

BOMBAY PORT

Europeans.

Name.	Designation.	Scale of pay.	Present pay.	Total service.
<i>Land and Bunders Department—contd.</i>		Rs.	Rs.	Yrs. Mths.
Mr. W. H. Cunnings ..	Asst. Manager, 2nd Grade.	375—25—500	500	9 0
<i>Railway Department.</i>				
Mr. D. G. M. Mearns ..	Manager	1,800—100—2,300	2,300	17 0
„ A. F. Walts ..	Dy. Manager ..	1,150—75—1,750	1,750	13 0
„ H. A. Gaydon ..	Do. ..	1,000—75—1,600	1,225	12 0
„ S. G. N. Shaw ..	Asstt. Manager ..	550—50—1,200	1,200	13 0
<i>Docks Department.</i>				
Mr. C. N. Rich ..	Manager	1,800—100—2,300	2,300	20 0
„ F. A. Borisson ..	Deputy Manager ..	1,000—75—1,450 +100 Car Allowance.	1,450 +100 C.A.	18 0
„ F. S. Williams ..	Do. ..	Do. + 100 Car Allowance.	1,375 +100 C. A.	10 0
<i>Port Department.</i>				
Mr. A. G. Kinch ..	Dy. Conservator ..	1,800—100—2,300	2,000	2 0
„ R. Walker ..	Harbour Master ..	1,400—50—1,500 + Free quarters.	1,500	25 0

TRUST—(continued).

Indians (including Statutory Indians).

Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Land and Bunders Department—contd.</i>				
Mr. S. J. Plunkett ..	Asstt. Manager, 1st Grade.	550—40—750 100 Motor Car Allowance.	750+100 for the upkeep of a motor car.	35 0
„ C. P. Watson ..	Asstt. Manager, 2nd Grade.	375—25—500	500	22 0
<i>Railway Department.</i>				
Mr. P. M. Boyce ..	Asstt. Manager ..	550—50—1,000	750	3 0
„ M. E. A. Kizilbash ..	Do. ..	Do. ..	600	1 0
„ W. H. Brady ..	Asstt. Traffic Supdt.	500—50—700	650	10 0
<i>Docks Department.</i>				
Mr. P. A. Davies ..	Dy. Manager (Office)	750—50—1,000 + 100 Spl. pay + 100 Per. pay.	1,000 + 100 Spl. pay + 100 Per. pay.	18 0
„ W. G. H. Templeton.	Dy. Manager ..	1,000—75—1,450 + 100 Car Allowance.	1,450 + 100 Car Allowance.	23 0
„ E. C. Jolley ..	Asstt. Manager, 1st Gr.	500—40—740	740	33 0
„ L. E. Walsh ..	Do. ..	Do. ..	740	25 0
„ F. J. Warder ..	Do. ..	Do. ..	740	29 0
„ E. J. Kail ..	Do. ..	Do. ..	620	21 0
„ A. Mattos ..	Do. ..	Do. ..	740	23 0
<i>Port Department.</i>				
Mr. R. H. Friedlander	Pilot	750—30—1,230	810	3 0
„ P. Soman ..	Engineer, S. T. "Rose."	400—20—500	500	9 0

BOMBAY PORT

Europeans.

Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Port Department—contd.</i>				
Mr. C. H. Crole Rees..	Sr. Dock Master ..	1,400—50—1,500 + Free quarters.	1,450	26 0
„ A. J. Milnes ..	Do. ..	1,250—50—1,350 + Free quarters.	1,350	26 0
„ F. W. Lloyd ..	Do. ..	Do. ..	1,350	24 0
„ E. G. Worthington	Do. ..	Do. ..	1,350	22 0
„ J. W. Hart ..	Master Pilot ..	750—30—1,230	1,230	21 0
„ N. E. Davidson ..	Do. ..	Do. ..	1,230	20 0
„ G. Robson ..	Pilot ..	Do. ..	1,170	14 0
„ C. T. Willson ..	Do. ..	Do. ..	1,080	12 0
„ J. L. Williams ..	Do. ..	Do. ..	1,020	12 0
„ G. England ..	Do. ..	Do. ..	1,020	9 0
„ C. B. M. Thomas	Do. ..	Do. ..	990	9 0
„ J. S. Nicholson ..	Do. ..	Do. ..	960	8 0
„ R. C. Vint ..	Do. ..	Do. ..	900	5 0
„ A. M. Thomson ..	Do. ..	Do. ..	840	4 0
„ H. W. L. T. Davies	Do. ..	Do. ..	810	3 0
„ H. H. Church ..	Do. ..	Do. ..	810	3 0
„ W. E. Brown ..	Do. ..	Do. ..	810	3 0
„ W. L. Friend ..	Do. ..	Do. ..	810	3 0
„ W. Sutherland ..	Do. ..	Do. ..	750	1 0
„ H. Lloyed Jones ..	Do. ..	Do. ..	750	1 0
„ C. Haile..	Sr. Asstt. Dock Mas- ter.	600—25—700 + Free quarters.	700	18 0
„ W. P. Bigg (a) ..	Port Dept. Inspector	600—25—700 + Free quarters + 50 conveyance allowance.	625 + 50 C. A.	14 0

TRUST—(continued).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Port Department—contd.</i>				

BOMBAY PORT

Europeans.

Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Port Department—contd.</i>				
Mr. W. J. Barter ..	Asstt. Dock Master	500—25—550 + Free quarters.	550	13 0
„ H. F. Eddows (a) ..	Do. ..	Do. ..	525	13 0
„ J. K. Folley ..	European Light Keeper.	350—15—500	500	24 0
„ W. D. Claxton ..	Do. ..	Do. ..	500	22 0
„ H. J. Powell ..	Do. ..	Do. ..	500	12 0

(a) Officiating.

TRUST—(concluded).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.

THE COMMISSIONERS FOR

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
<i>Direction.</i>		Rs.	Rs.	Yrs. Mths.
Mr. T. H. Elderton ..	Chairman ..	4,000 Fixed Pay	4,000*	23 0
„ W. A. Burns ..	Deputy Chairman and Traffic Manager.	3,000 Fixed Pay	3,000	23 0
<i>Secretary's Department.</i>				
Mr. C. W. T. Hook ..	Secretary ..	1,800—100—2,000	2,000	13 0
„ M. D. N. Wyatt (a)	Deputy Secretary ..	1,000—50—1,600	1,050	6 0
„ F. D. C. Sumner (j)	Deputy Secretary (Offg.)	Do. ..	1,300	..
<i>Accounts Department.</i>				
Mr. N. G. Park (b) ..	Chief Accountant ..	2,000—100—2,500	2,500 + 250 P. P.	20 0
„ J. Dand (k) ..	Dy. Chief Accountant.	1,500—60—1,800	2,000 (Offg. Pay) 1,800 (Subs. Pay)	17 0
„ J. G. Mair (l) ..	Assistant Accountant	1,000—50—1,250	1,150 (Subs. Pay).	4 0
„ J. Payne (b) ..	Asstt. Accountant	750—50—1,000	1,000	25 0

*With free house and free motor car.

(a) On leave from 24th February 1932 to 24th September 1932.

(b) On leave preparatory to retirement.

(j) Sec Dy. Dock Superintendent (Coal).

(k) Offg. Chief Accountant.

(l) Offg. Dy. Chief Accountant on Rs. 1,500.

THE PORT OF CALCUTTA.

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Direction.</i>				
<i>Secretary's Department.</i>				
Mr. N. Ganguli (b) ..	Asstt. Secretary ..	600—50—1,000	1,000	40 0
„ S. L. Dass ..	Probationary Asstt. Secy.	....	300	3½ 0
<i>Accounts Department.</i>				
Mr. K. B. Roy ..	Asstt. Accountant	1,000—50—1,250	1,150	4 0
„ J. N. Ghosh ..	Do. ..	650—50—1,000	1,000 150 P. P.	} 32 0
„ A. J. Rose ..	Do. ..	650—50—1,000	800	
„ C. Dissent (b) ..	Do. ..	Do.	1,000	23 0
„ A. de Sanges (b)	Do. ..	650—50—1,000	1,000 150 S. P.	} 35 0

THE COMMISSIONERS

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Civil Engineering Department.</i>				
Mr. J. R. Rowley (c) ..	Chief Engineer ..	2,400—100—2,800	2,800	24 0
„ W. C. Ash (d) ..	Dy. Chief Engineer	..	2,100	22 0
„ A. M. Ward ..	Do. ..	2,100	2,100	12 0
„ W. T. Wheeler (e)	Executive Engineer	1,100—50—1,500	1,500	11 0
„ M. H. King ..	Do. ..	Do. ..	1,500	12 0
„ R. F. Meff ..	Do. ..	Do. ..	1,500	12 0
„ J. D. Pearson (b)	Do. ..	Do. ..	1,500	9 0
„ F. Fielding (f) ..	Asstt. Executive Engineer.	700—50—1,050	1,050	12 0
„ A. Webster ..	Executive Engineer	1,100—50—1,500	1,500	8 0
„ E. F. Johnson ..	Do. ..	Do. ..	1,500	9 0
„ N. R. Strafford (g)	Asstt. Executive Engineer.	700—50—1,050	1,050	12 0
„ M. Maggs (h) ..	Do. ..	Do. ..	1,050	9 0
„ E. Walton ..	Chief Draftsman ..	1,100—50—1,250	1,250	6 0
<i>Traffic Department.</i>				
Mr. W. A. Burns ..	Traffic Manager ..	See Deputy Chairman.		
„ H. H. Hudson (i)	Dy. Traffic Manager	1,600—10—1,800	1,800 200 S. P.	} 12 0
„ I. B. Wilson (b) ..	General Yard Supdt.	1,000—50—1,350	1,350	
„ C. J. Colman ..	Jetty. Supdt. ..	1,250—50—1,500	1,400	12 0

(b) On leave preparatory to retirement.

(c) On leave from 29th March 1932 to 17th November 1932.

(d) On leave to Vizagapatam.

(e) Offg. as Dy. Chief Engineer from 4th December 1931 to 5th March 1932 on Rs. 2,100.

(f) On leave, officiated as Executive Engineer on Rs. 1,300.

(g) Offg. as Executive Engineer from 4th December 1931 to 5th March 1932 on Rs. 1,200.

(h) On leave.

(i) On leave from 27th October 1931 to 22nd February 1932.

FOR THE PORT OF CALCUTTA—(continued).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Civil Engineering Department.</i>				
Mr. C. O. Le Feuvre	Asstt. Executive Engineer.	700—50—1,050	1,050	17 0
<i>Traffic Department.</i>				
Mr. H. G. Jackson (b)	(n) Supdt., Claims and Establishment.	1,500 fixed 1,000—1,500.	1,800 200 S. P.	} 27 0
„ L. R. Yackohee (o)	Personal Assistant to Traffic Manager.	650—50—1,000	1,000	

(n) Offg. Dy. Traffic Manager.

(o) Offg. Supdt., Claims and Establishment on Rs. 1,300.

THE COMMISSIONERS

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Traffic Department—</i> contil.				
Mr. H. Cohen (m) ..	Asstt. Tr. Manager	600—50—1,000	1,100 (Offg. Pay, 900) (Sub- stantive pay).	6 0
„ C. H. W. Clifford (b)	Supdt., Wharves and Ferries.	600—50—1,000	1,000	23 0
„ E. P. Walsho ..	Supdt., Tea Ware- house (Offg.).	600—50—1,000	1,000	18 0
„ H Haynes (b) ..	Asstt. Yard Supdt.	Do. ..	1,000	13 0
„ W. Stansbury (c) ..	Do. ..	Do. ..	700	3 0
„ D. C. Barckley (b)	Supdt., Kantapukur	Do. ..	1,000	25 0
„ W. Steer ..	Dock Supdt. ..	1,500 fixed	1,500	13 0
„ F. Blong ..	Dy. Dock Supdt. (Shipping).	1,000—50—1,350	1,250	34 0
„ F. D. C. Sumner, Offg. Dy. Secy. (d).	Dy. Dock Supdt. (Coal).	1,000—50—1,350	1,300 (Offg. pay) 1,250 (Subs. pay).	12 0
<i>Deputy Conservator's Department.</i>				
Mr. C. V. L. Norcock (e)	Dy. Conservator ..	2,100 fixed	2,100	13 0
„ F. J. B. Gibson (f)	1st Asstt. Conserva- tor.	1,500 fixed	2,100 (Offg. pay).	7 0
„ E. L. Pawsey ..	2nd Asstt. Conserva- tor.	1,000—50—1,250	1,000	0 1
„ W. O. Cullion (b)	Harbour Master ..	2,000 fixed	2,000	28 0

(b) On leave preparatory to retirement.

(c) Offg. General Yard Supdt. on Rs. 1,000.

(d) Sec H. Cohen.

(e) On leave.

(f) Offg. Dy. Conservator.

(m) Offg. Dy. Dock Supdt. Coal.

FOR THE PORT OF CALCUTTA—(continued).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Traffic Department— contd.</i>				
Mr. A. E. Pyster (b)	Asstt. Traffic Manager.	600—50—1,000	1,000	39 0
<i>Deputy Conservator's Department.</i>				
Mr. R. S. O'Brien (e)	Officer -in-Charge, Port Approaches.	2,000 fixed	2,000	34 0
„ J. Nichols (b) ..	River Surveyor ..	1,500	1,500	31 0
„ J. Seaward ..	Asstt. River Surveyor	150—1,200	450	10 0
„ Ramdas Katari ..	Do. ..	100—1,200	125	2 0
„ P. Brann (e) ..	Do. ..	150—1,200	550	12 0

THE COMMISSIONERS

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Deputy Conservator's Department—contd.</i>				
Mr. H. M. Crocker ..	Dy. Harbour Master	1,900	1,900	28 0
„ O. E. Watling ..	Asstt. Harbour Master.	650—50—1,400	1,400	24 0
„ H. Dunster ..	Do. ..	Do. ..	1,400	22 0
„ W. Jones ..	Do. ..	Do. ..	1,400	22 0
„ H. Compton (b) ..	Do. ..	Do. ..	1,400	20 0
„ L. Hatswell ..	Do. ..	Do. ..	1,400	20 0
„ J. Jones ..	Do. ..	Do. ..	1,400	19 0
„ D. Malcolm (e) ..	Do. ..	Do. ..	1,400	19 0
„ T. Harrison (e) ..	Do. ..	Do. ..	1,400	19 0
„ J. McGrievy ..	Do. ..	Do. ..	1,400	19 0
„ T. Hoare ..	Do. ..	Do. ..	1,400	19 0
„ H. Alkin ..	Do. ..	Do. ..	1,400	17 0
„ B. Hocken ..	Do. ..	Do. ..	1,400	16 0
„ W. Crisp ..	Do. ..	650—50—1,400	1,300	14 0
„ J. Kjeilgaard ..	Do. ..	Do. ..	1,300	14 0
„ W. Scott ..	Do. ..	Do. ..	1,300	14 0
„ J. Nicoll ..	Do. ..	Do. ..	1,300	13 0
„ H. Butchart ..	Do. ..	Do. ..	1,250	13 0
„ W. Houston ..	Do. ..	Do. ..	1,250	13 0

(b) On leave preparatory to retirement.

(e) On leave.

(g) On leave from 15th March 1932.

FOR THE PORT OF CALCUTTA—(continued).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Deputy Conservator's Department—contd.</i>				
Mr. G. V. Hughes ..	Assistant River Surveyor.	150—1,200	550	12 0
„ F. W. Martin ..	Do. ..	Do. ..	500	11 0
„ G. D. O'Brien (g)	Do. ..	Do. ..	550	12 0
„ B. W. O'Brien (g)	Do. ..	Do. ..	550	12 0
„ F. H. P. Green ..	Do. ..	Do. ..	500	10 0
„ C. E. Kelly ..	Do. ..	Do. ..	800	15 0
„ G. F. Wilcox ..	Do. ..	Do. ..	700	15 0
„ S. K. Roy ..	Do. ..	100—1,200	125	1 0
„ C. G. Connelly ..	Do. ..	150—1,200	600	13 0

THE COMMISSIONERS

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Deputy Conservator's Department—contd.</i>				
Mr. H. Robinson (a) ..	Assistant Harbour Master	650—50—1,400	1,250	12 0
„ W. Roberts ..	Do. ..	Do. ..	1,200	12 0
„ A. Chalmers ..	Do. ..	Do. ..	1,050	8 0
„ P. Cosschalk ..	Do. ..	Do. ..	1,050	8 0
„ C. Houston ..	Do. ..	650—1,220 ..	740	3 0
„ M. H. Lawton ..	Do. ..	Do. ..	680	2 0
„ R. E. Kibble ..	Do. ..	Do. ..	680	2 0
„ E. H. Rabey ..	Do. ..	Do. ..	710	2 0
„ A. C. Doran ..	Do. ..	Do. ..	810	5 0
„ W. W. West ..	Do. ..	Do. ..	810	5 0
„ R. T. Ware ..	Do. ..	Do. ..	770	5 0
„ N. Gibbons ..	Do. ..	Do. ..	770	4 0
„ A. J. Tremear ..	Do. ..	Do. ..	770	4 0
„ H. Harrison (c) ..	Do. ..	Do. ..	770	5 0
„ W. Parkinson ..	Do. ..	Do. ..	770	5 0
„ J. Norman (c) ..	Do. ..	Do. ..	770	5 0
„ R. McLean Brown(d)	Do. ..	Do. ..	740	4 0
„ W. E. Bell ..	Do. ..	Do. ..	770	5 0
„ W. B. Littlechild ..	Do. ..	Do. ..	680	1 0
„ C. Wood ..	Mooring Master ..	650—50—1,400	1,400	16 0
„ M. Kilford (e) ..	Asstt. River Surveyor.	150—1,200	1,500 (Offg. pay) 1,100 (Subs. pay).	18 0

(a) On leave from 1st March 1932.

(c) On leave.

(d) On leave prior to termination of service.

(e) Officiating River Surveyor.

FOR THE PORT OF CALCUTTA—(continued).

[illegible]

THE COMMISSIONERS

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Deputy Conservator's Department—conold.</i>				
Mr. T. Oag	Assistant River Surveyor.	150—1,200	1,050	17 0
„ J. H. Woolward (b)	Do. ..	Do. ..	1,200	28 0
„ E. Smeaton ..	Do. ..	Do. ..	1,200	27 0
„ J. A. C. King ..	Do. ..	Do. ..	400	9 0
„ E. E. Bibra ..	Do. ..	100—1,200	250	5 0
„ C. Adolphus ..	Do. ..	Do. ..	75	0 2
„ T. Ashton ..	Do. ..	150—1,200	600	13 0
„ H. B. M. Yeates (b)	Do. ..	Do. ..	800	18 0
„ G. Williams ..	Commander, Despatch and Dredger Service.	750—50—1,200	1,050	11 0
„ J. Fowler (b) ..	Do. ..	Do. ..	1,200	11 0
„ A. Dickson (b) ..	Do. ..	Do. ..	1,200	} 17 0
„ A. Hardy ..	Do. ..	Do. ..	+100 S. P. 1,200	
„ A. Gillespie ..	Do. ..	Do. ..	1,200	
„ W. Mackenzie (a) ..	Chief Officer ..	450—800	..	10 0
„ W. Watt ..	Dock Master ..	1,800 ..	1,800	22 0
<i>Stores Department.</i>				
Mr. T. Shuldhham (b) ..	Controller of Stores	1,500—1,800	1,800	15 0
„ R. Wright ..	Asstt. Controller of Stores.	600—50—1,000	1,000	17 0
„ R. Delanhanty ..	Do.	Do.	1,000	12 0

(a) Offg. Commander on Rs. 900.

(b) On leave preparatory to retirement.

FOR THE PORT OF CALCUTTA—(continued).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Deputy Conservator's Department—contd.</i>				
<i>Stores Department.</i>				

THE COMMISSIONERS

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Machinery Department.</i>				
Mr. A. Carnall (a) ..	Chief Mechanical Engineer.	1,600—100—2,000	2,000	16 0
„ A. O. Day (a) ..	Dy. Chief Mechanical Engineer.	1,200—75—1,500	1,500	12 0
„ N. Irvine (b) ..	Asst. Chief Mechanical Engineer.	700—50—1,050	1,050	7 0
„ W. Moffat ..	Do. ..	Do. ..	1,050	7 0
„ J. M. Mearn ..	Do. ..	Do. ..	750	4 0
„ W. G. Simson ..	Do. ..	Do. ..	900	5 0
„ H. F. Bennett (a) ..	Chief Engineer, Class I Vessel.	600—40—1,000	920	35 0
„ R. W. C. Thurston ..	Do. ..	Do. ..	1,000	25 0
„ R. Ferguson ..	Do. ..	Do. ..	880	10 0
<i>Construction Department.</i>				
Mr. A. Orr-Ewing (c) ..	Asstt. Executive Engineer.	700—50—1,050	1,050	5 0
<i>Medical Department.</i>				
Lt.-Col. W. L. Harnett	Medical Officer ..	1,000 (fixed)	1,000 (fixed)	..

(a) On leave preparatory to retirement.

(b) Offg. Dy. Chief Mechanical Engineer.

(c) On leave prior to termination of service.

FOR THE PORT OF CALCUTTA—(concluded).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Machinery Department.</i>				
Mr. L. Desbruslais ..	Electrical Engineer	800—50—1,200	1,150	7 0
<i>Construction Department.</i>				
<i>Medical Department.</i>				

THE COMMISSIONERS FOR

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
Commander E. M. Bayfield, R. I.M.(a)	Deputy Conservator and Secretary.	Combined Pay Rs. 960.	460	..
Mr. F. J. Green (b) ..	Port Engineer ..	1,000—50—1,600	1,600	4 0
„ J. C. Cumming (c)	Harbour Master ..	1,100	1,100	27 0
„ S. J. Lockhart (c)	Asstt. Harbour Master.	700—25—850—30—1,000.	P. A. 100 1,000	16 0
„ H. Birley (c) ..	Do. ..	Do. ..	270	10 0
„ H. J. Garrett (c) ..	Do. ..	Do. ..	825	5 0
„ R. J. Rean (c) ..	Dredging Master, S. D. "Patunga".	660—30—900	840	20 0
„ W. J. Harper (c) ..	Asstt. Dredging Master, S.D. "Patunga"	450—25—600	525	3 0
„ J. W. Cullen (b) ..	Chief Engineer, S.D. "Patunga".	600—30—840	780	3 0
„ K. J. Dyson (c) ..	Second Engineer, S. D. "Patunga".	450—25—600	525	3 0
„ F. W. Sidel (b) ..	Workshop Foreman	500	500 P. A. 50	7 0

(a) Lent by Royal Indian Marine.

(b) On agreement.

(c) Confirmed.

MADRAS

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D.
<i>Direction.</i>				
Mr. G. G. Armstrong, O.B.E.	Chairman and Traffic Manager.	3,000	3,000	3 5 21
<i>Accounts Department.</i>				
<i>Traffic Department.</i>				
Mr. J. G. Lord ..	Deputy Traffic Manager.	1,200—50—1,600	1,600	19 0 0
„ F. W. Stooke ..	Asst. Traffic Manager.	600—50—900	900	22 1 0
„ J. Chance (a) ..	Do.*	400—25—600	575	18 1 21
<i>Engineering Department.</i>				
Mr. W. Fyfe, M. Inst. C.E., M.I. Struct., E.	Chief Engineer ..	1,800—100—2,200	2,100	8 9 19
„ G. P. Alexander, A.M. Inst. C. E.	Executive Engineer	1,250—50—1,650	1,350	1 8 19
Major E. G. Bowers, M. C., M. I. E. E. A. I. R. O.	Mechanical and Electrical Engineer.	1,025—50—1,425	1,225	4 1 0
Mr. S. W. White, M. I., Mar.E., A. M. I., N. A.	Assistant Mechanical Engineer.	650—33-1/3—950	883-5-4	4 5 20
„ J. E. Burke ..	1st Engineer and Dredging Master, Dredger “Madras”.	600—25—750	725	5 1 0
„ H. Halsall ..	2nd Engr. Dredger, “Madras”.	450—25—550	500	2 7 29

N.B.—The present incumbents of the posts are all confirmed in the posts.

(a) On leave preparatory to retirement.

* Post supernumerary and to be abolished with effect from 4th April 1933.

PORT TRUST.

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
<i>Direction.</i>		Rs.	Rs.	Y. M. D.
<i>Accounts Department.</i>				
M. R. Ry. Rao Bahadur S. Narayana Aiyar Avl., M.A.	Chief Accountant ..	600—40—920	920	27 2 0
Mr. V. Muthusami, B.A.	Deputy Chief Accountant (Engineering).	275—10—325—15—400	305	6 10 0
<i>Traffic Department.</i>				
Mr. M. S. Venkatraman, B.A.,	Asstt. Traffic Manager.	300—30—600	300	6 3 0
„ L. A. Abraham, B.A., F. C. I.	Do. ..	Do. ..	300	6 3 0
<i>Engineering Department.</i>				
M. R. Ry. Rao Bahadur K. Ganapathy Kudwa, Avl., B.A., B. C. E. (b).	Executive Engineer	400—50—900	900	28 6 12
M. R. Ry. V. Dayanada Kamath Avergal, B.A., B.E.	Assistant Engineer	350—25—500	500	9 9 24
M. R. Ry. S. Nagabushanam Ayyar, B.A., M.E., A.I.E.E.	Do. ..	Do. ..	475	6 10 0
M. R. Ry. K. Subramaniam, Avergal, M.E., Grad., I.E.E.	Assistant Electrical Engineer.	350—25—500	425	3 10 0

(b) On leave preparatory to retirement.

MADRAS PORT

Europeans.

Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D.
<i>Marine Department.</i>				
Lt.-Commander A. D. Berrington, R.N. R. (Retired).	Deputy Port Conservator.	1,350—50—1,650	1,400	1 4 28
Mr. G. Freeman ..	Harbour Master ..	775—25—1,275 (plus Rs. 100 extra pay).	1,100 (<i>plus</i> Rs. 100 extra pay)	13 7 4
„ A. Mackenzie ..	Assistant Harbour Master.	775—25—1,275	1,150	15 2 0
„ S. Prytherch ..	Do. ..	Do. ..	875	4 6 17
„ L. T. Lewis ..	Do. ..	Do. ..	825	2 2 27
„ L. T. Whitlock ..	Do. ..	Do. ..	800	1 9 13

N. B.—The present incumbents of the posts are all confirmed in the posts.

TRUST—(concluded).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Marine Department.</i>				

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KARACHI PORT

Europeans.

Namo.	Designation.	Scale of pay.	Present pay.	Total service.	
		Rs.	Rs.	Yrs. Mths.	
<i>Direction.</i>					
Mr. E. M. Duggan, I.S.E.	Chairman ..	2,500—100—3,000	2,500	0	5
<i>Secretary's Department.</i>					
<i>Chief Accountant's Department.</i>					
Mr. B. A. Inglet ..	Chief Accountant ..	1,200—100—1,800	1,800	12	10
<i>Traffic Department.</i>					
Mr. A. A. L. Flynn ..	Traffic Manager ..	1,500—100—1,800	1,800	22	10
„ F. G. Gangley ..	Dy. Traffic Manager	1,000—50—1,400	1,400	12	8
„ W. S. Abbott ..	Asstt. Traffic Manager	850—50—1,000	1,000	4	9
<i>Medical Department, Manora.</i>					
<i>Deputy Conservator's Department.</i>					
Mr. J. A. Scarr ..	Dy. Conservator ..	1,250—50—1,600	1,500	27	8
„ J. W. Thomas ..	Dock Master ..	1,200	1,200	24	4
„ T. Slack ..	Asstt. Dock Master	300—25—500	500	12	1

TRUST.

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Direction.</i>				
<i>Secretary's Department.</i>				
Mr. L. J. Mascarenhas	Secretary ..	750—50—1,200	1,100	31 8
„ Nenunal Tockchand.	Assistant Secretary	300—25—500	425	19 8
<i>Chief Accountant's Department.</i>				
Mr. P. C. Jaidka ..	1st Assistant Accountant.	300—25—500	450	0 4
„ Hemandas Ghandumal.	Supervisor ..	Do. ..	450	31 1
<i>Traffic Department.</i>				
Mr. Jamnadas Dwanmal.	Personal Assistant to the Traffic Manager.	450—25—700	625	12 7
„ J. Noronha ..	Supdt., Imports and Jetties.	440—20—500	460	29 11
„ A. R. Gonsalves..	Asstt. Supdt., Imports and Jetties.	300—10—400	360	23 3
<i>Medical Department, Manora.</i>				
Capt. K. G. Mohile ..	Medical Officer ..	300	300	1 8
<i>Deputy Conservator's Department.</i>				
Mr. E. S. B. Bhombal	Probationary Pilot	500	500	0 3
„ R. C. Lobo ..	Asst. Dock Master	300—25—500	375	3 5

KARACHI PORT

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
<i>Deputy Conservator's Department—contd.</i>		Rs.	Rs.	Yrs. Mths.
Mr. E. Lilley ..	Senior Pilot ..	700—25—1,100	1,100+100 allowance for carrying out the routine duties of Harbour Master in the absence of Dy. Conservator in Office.	19 0
„ E. T. W. Nicholas	Pilot ..	Do. ..	1,100	18 1
„ A. A. Goldie ..	Do. ..	Do. ..	900	9 0
„ F. S. Allen ..	Do. ..	Do. ..	875	7 10
„ J. J. Collier ..	Do. ..	Do. ..	800	4 8
„ A. G. Cuthbert ..	Do. ..	Do. ..	800	4 7
<i>Chief Storekeeper's Department.</i>				
<i>Chief Engineer's Department.</i>				
Mr. W. F. P. Shephard Barron.	Chief Engineer ..	2,250—100—2,550	2,550	5 2
„ H. A. L. French ..	Dy. Chief Engineer	1,650—50—1,850	1,850	22 7
„ J. M. S. Culbertson	Executive Engineer	900—50—1,600	1,600	18 11
„ D. B. Brow ..	Do. ..	Do. ..	1,500	8 6
„ Stanley E. Naylor	Asstt. Supdt. of Machinery, Keamari.	600—50—900	900	7 7
„ R. L. Grieg ..	Chief Engineer, S. P. "Saras".	700—25—800	800	6 5
„ R. J. Raine ..	Supdt. of Machinery, Manora.	900—50—1,100	1,050	3 11

TRUST—(continued).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Chief Storekeeper's Department.</i>				
Mr. R. A. Donde ..	Chief Storekeeper ..	800—50—1,500	1,000	4 2
<i>Chief Engineer's Department.</i>				
Mr. Frank Viegas ..	Permanent Way Inspector.	400—25—500	500	7 3
„ P. R. Shivdasani	Apprentice Engineer	300	300	2 11

KARACHI PORT

Europeans.

Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Ra.	Ra.	Yrs. Mths.
<i>Chief Engineer's Department—contd.</i>				
Mr. Andrew Eaglesham	Asstt. Supdt. of Machinery, Manora.	550—25—600	600	4 0
<i>Special Temporary Establishment.</i>				

TRUST—(concluded).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Special Temporary Establishment.</i>				
Mr. Charles Hawes ..	Mechanical Supervisor.	300—10—400	370	7 11
K. S. Faizmahomed Nathakhan.	Supervisor of Works	Do. ..	370	10 0

THE COMMISSIONERS FOR THE

Europeans.

Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D.
<i>Direction.</i>				
Mr. J. A. Cherry, C.I.E., M.L.C., Bar.-at-Law.	Chairman* ..	3,000—500—5,000	5,000	11 3 14
„ D. H. James, A.C.A.	Acting Chairman ..	..	3,500	20 4 0
<i>Administration.</i>				
Mr. C. Witcher ..	Secretary ..	B. P. 1,400—50— 1,700—75—2,000	B. P. 1,550	8 4 21
		O. P. 300	O. P. 300	..
„ D. H. James, A.C.A.	Chief Accountant ..	Do. ..	B. P. 2,000	20 4 0
			O. P. 300	..
„ S. A. Wetherfield, A.C.A.	Assistant Account- tant.	B. P. 450—50—900 —50—1,400. O. P. 200 ..	B. P. 800	2 1 22
			O. P. 200	..
<i>Engineering.</i>				
Mr. W. D. Beatty, B.A., B.A.I., A. M. Inst. C.E.	Port Engineer ..	B. P. 2,000	B. P. 2,000	11 0 18
		O. P. 300	O. P. 300	..
„ L. C. Hall, A. M. Inst. C. E.	Executive Engineer	B. P. 450—50—900 —50—1,400.	B. P. 1,350	12 8 21
		O. P. 150—50/5 —300.	O. P. 300	..
		E. A. 100—150/3 —150—50/2— 200.	E. A. 150	..
„ G. McFadycan ..	Asstt. Engineer ..	B. P. 450—50—900 —50—1,400.	B. P. 1,300	11 1 24
		O. P. 150—50/5— 300.	O. P. 300	..
„ D. D. Crabbe, B.Sc., A.M. Inst. C. E.	Do. ..	Do. ..	B. P. 800	5 10 21
			O. P. 200	..

* On leave.

PORT OF RANGOON.

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
<i>Direction.</i>		Rs.	Rs.	Y. M. D.
<i>Administration.</i>				
Mr. S. N. Sen ..	Asstt. Accountant	B. P. 450—50—900 —50—1,400.	B. P. 1,300	*27 8 0
„ C. Shai Kwoung(a)	Do. ..	Do. ..	B. P. 1,100	21 3 26
„ D. K. Melvani ..	Do. ..	Do. ..	B. P. 950	†29 9 7
„ J. E. Tauris (b) ..	Do. ..	Do. ..	B. P. 750	24 6 0
<i>Engineering.</i>				
Mr. A. C. Mukherjee	Assistant ..	B. P. 450—50—900	B. P. 850	21 2 0
„ Saw Po Zan (a) ..	Office Superintendent	350—20—550	550	10 0 22
„ Balwant Singh ..	Supervisor Senior ..	250—10—320—20 —500	480	11 3 7
„ V. Durham (b) ..	Permanent Way Inspector.	Do. ..	480	5 3 6
„ R. Taylor (b) ..	Supervisor, Senior	Do. ..	270	6 2 18
„ P. Metcalfe (b) ..	Asstt. Mechanical Engi. cer.	600—40—1,000	960	20 0 0
„ C. H. Kamen (b)	Electrical Foreman	320—20—500	380	3 10 24
„ A. G. Pascal (b)	Mechanical Fore- man.	250—10—320—20 —500.	300	21 9 28
„ S. Pegrum (b) ..	Do. ..	Do. ..	300	5 3 24
„ B. W. Inkster (b)	Do. ..	Do. ..	310	8 1 6

Includes Govt. Service years 6-3-16. †† Includes Govt. Service years 8-2-7.
 (a) Chinese (domiciled in Burma). (b) Anglo-Indian.

THE COMMISSIONERS FOR

Europeans.

Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D
<i>Engineering—contd.</i>				
Mr. W. K. Bradley ..	Assistant (Drawing Office).	B. P. 450—50—900. O. P. 150—50/5—300.	B. P. 750 O. P. 200	3 2 18 ..
„ W. E. Oglethorpe	Mechanical Engineer	B. P. 450—50—900—50—1,400. O. P. 150—50/5—300. E. A. 100—50/3—150—50/2—200.	B. P. 1,250 O. P. 300 E. A. 150	4 3 25
<i>Stores.</i>				
<i>Traffic Department.</i>				
Mr. E. J. B. Jeffery ..	Traffic Manager ..	B. P. 1,400—50—1,700—75—2,000 O. P. 300 ..	B. P. 1,550 O. P. 300	11 10 13 ..
„ W. P. Bush ..	Assistant ..	B. P. 450—50—900—50—1,400. O. P. 150—50/5—300.	B. P. 1,100 O. P. 250	9 11 0 ..
„ J. M. Ferguson ..	Do. ..	Do. ..	B. P. 850 O. P. 200	2 11 15 ..
„ W. H. M. Todd ..	Do. ..	Do. ..	B. P. 700 O. P. 200	4 3 25 ..
„ E. Homan ..	Superintendent ..	450—20—650	590	11 5 10
<i>Port Department.</i>				
Mr. H. N. Gilbert ..	Deputy Conservator	B. P. 1,400—50—1,700—75—2,000 O. P. 300 ..	B. P. 2,000 O. P. 300	21 9 6 ..
„ H. A. Spiers ..	Asstt. Conservator	B. P. 450—50—900—50—1,400. O. P. 150—50/5—300.	B. P. 1,400 O. P. 300	25 11 15

THE PORT OF RANGOON—(continued).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D.
<i>Stores.</i>				
Mr. A. D. Biswas ..	Storekeeper ..	B. P. 450—500—900	B. P. 450	15 10 20
<i>Traffic Department.</i>				
Mr. J. Chaytor (a) ..	Superintendent ..	450—20—650	650	24 5 18
„ C. E. D. Lutter (b)	Do. ..	Do. ..	610	24 4 7
„ M. J. Minus (a) ..	Do. ..	Do. ..	530	18 1 0
„ A. S. McSweeney(b)	Do. ..	Do. ..	490	23 5 16
„ N. N. Sen ..	Do. ..	320—20—550	510	18 11 28
<i>Port Department.</i>				
Mr. N. Burgess (b) ..	Marine Engineer ..	600—40—1,000	960	2 7 6
„ R. E. Penfold (b)	Relieving Engineer	350—20—550	30	4 8 0

THE COMMISSIONERS FOR

Europeans.

Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D.
<i>Port Department— contd.</i>				
Mr. T. Maguire ..	Moorings Master ..	600—750—75— 1,050—50—1,500	1,150	8 10 9
„ L. R. Vincent ..	Radio Officer ..	400—10—500	430	3 2 20
<i>Assistant Harbour Masters.</i>				
Mr. H. Westlake ..	Assistant Harbour Master.	600—750—75— 1,050—50—1,500	1,500	15 2 24
„ C. S. Middleton ..	Do. ..	Do. ..	1,450	13 2 5
„ H. C. G. Brown ..	Do. ..	Do. ..	1,400	12 2 12
„ Neil Morison ..	Do. ..	Do. ..	1,350	11 10 12
„ R. B. Glendinning ..	Do. ..	Do. ..	1,250	9 0 15
„ J. W. Bolton ..	Do. ..	Do. ..	1,150	7 4 21
„ A. Simpson ..	Do. ..	Do. ..	1,100	6 4 13
„ G. Whitworth ..	Do. ..	Do. ..	1,100	6 2 13
„ P. R. Jameson ..	Do. ..	Do. ..	1,050	5 8 13
„ W. Young ..	Do. ..	Do. ..	1,050	5 4 12
„ N. A. Middleton ..	Do. ..	Do. ..	975	4 6 18
„ D. W. McNeil ..	Do. ..	Do. ..	975	4 4 0
„ H. J. W. Jones ..	Do. ..	Do. ..	825	2 7 0
„ F. W. McLaren ..	Do. ..	Do. ..	750	1 10 6
<i>Port Survey.</i>				
Mr. C. M. L. Scott, (Commander R. N. Retd.)	Port Surveyor ..	B. P. 450—50—900 50—1,400. O. P. 150—50/5 —300 E.A. 100—50/3— 150— 50/2—200	B. P. 1,300 O. P. 300 E. A. 150	7 11 4

THE PORT OF RANGOON—(continued).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D.
<i>Assistant Harbour Masters.</i>				
<i>Port Survey.</i>				
Mr. S. Jagadas ..	Head Surveyor ..	300—20—500	500	11 3 15
„ B. C. Sinha ..	Do. ..	Do. ..	400	25 2 9
„ A. C. Bhattacharjee	Do. ..	Do. ..	300	20 10 25
„ A. K. Barua ..	Head Draughtsman	Do. ..	300	17 7 16

THE COMMISSIONERS FOR

Europeans.

Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D.
<i>Port Survey—contd.</i>				
Mr. C. S. Lockhart (Com- mander, R. N. Retired).	Asstt. Port Surveyor	B. P. 450—50— 900—50—1,400. O. P. 150—50/5— 300.	B. P. 1,050 O. P. 250	5 1 17 ..
<i>Boat Registration Office.</i>				
Mr. A. J. Hemmons ..	Boat Registrar ..	450—30—750	720	4 7 0
<i>Dredgers, launches, etc.</i>				
Mr. D. W. Davies ..	Commander ..	750—30—900	750	8 6 20
„ H. D. Warder ..	Do. ..	500—25—750	575	3 9 25
<i>Pilots.</i>				
Mr. M. D. Wylie ..	Licensed Pilot, 1st grade, class A.	600—750—75— 1,050—50—1,500 Sea Allowance 500	1,500 S. A. 500	23 3 13 ..
„ G. Shand ..	Do. ..	Do. ..	1,500 S. A. 500	23 0 0 ..
„ H. W. Jones ..	Do. ..	Do. ..	Do. ..	22 10 8
„ J. M. Wheeler ..	Do. ..	Do. ..	Do. ..	25 3 9
„ R. Trattles ..	Do. ..	Do. ..	Do. ..	18 11 16
„ J. W. Smith ..	Do. ..	Do. ..	Do. ..	17 9 26
„ R. J. Anderson ..	Licensed Pilot, 1st grade, class B.	600—750—75— 1,050—50—1,500. Sea Allowance 425	1,400 S. A. 425	12 11 17

THE PORT OF RANGOON—(continued).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D.
<i>Boat Registration Office.</i>				
<i>Dredgers, launches, etc.</i>				
Mr. T. Wright (b) ..	Engineer ..	600—30—900	810	17 4 27
„ H. A. Wellington (b).	Do. ..	Do. ..	690	4 2 14
„ W. Lissenburgh (b)	Do. ..	450—20—650	510	3 11 12
„ J. R. Lafrenais (b)	Do. ..	350—20—550	550	7 7 16
„ E. Pegrum ..	Do. ..	Do. ..	530	9 3 28
„ R. B. Alphonse (b)	Do. ..	350—20—550	410	3 4 24
„ R. Jellicoe (b) ..	Do. ..	Do. ..	550	19 8 21
<i>Pilots.</i>				

(b) Anglo-Indian.

THE COMMISSIONERS FOR

Europeans.

Name.	Designation.	Scale of pay.	Present pay.	Total service.
<i>Pilots—contd.</i>		Rs.	Rs.	Y. M. D.
Mr. J. Byron ..	Licensed Pilot, 1st grade, class B.	600—750—75— 1,050—50—1,500 Sea Allowance 425	1,350 S. A. 425	11 11 15 ..
„ H. St. John Clay ..	Do. ..	Do. ..	1,350 S. A. 425	11 10 15 ..
„ W. A. Crawford ..	Do. ..	Do. ..	1,150 S. A. 425	9 3 28 ..
„ L. H. James ..	Do. ..	Do. ..	1,250 S. A. 425	9 7 9 ..
„ C. H. Hodgson ..	Do. ..	Do. ..	1,150 S. A. 425	8 0 3 ..
„ C. McCartney ..	Licensed Pilot, 1st grade, class C.	600—750—75— 1,050—50—1,500 Sea Allowance 350	1,100 S. A. 350	7 6 23 ..
„ C. R. Stumbles ..	Do. ..	Do. ..	1,100 S. A. 350	6 8 12 ..
„ B. E. Jackson ..	Do. ..	Do. ..	1,050 S. A. 350	6 7 6 ..
„ H. Yorke Torr ..	Do. ..	Do. ..	1,050 S. A. 350	5 11 23 ..
„ T. E. Field ..	Do. ..	Do. ..	975 S. A. 350	5 7 29 ..
„ C. E. Cara ..	Do. ..	Do. ..	975 S. A. 350	5 3 4 ..
„ J. W. C. Taggart ..	Licensed Pilot, 2nd grade, class B.	600—750—75— 1,050—50—1,500 Sea Allowance 200	825 S. A. 200	5 2 27 ..
„ R. W. Cooper ..	Do. ..	Do. ..	825 S. A. 200	2 11 15 ..
„ A. J. Ritchie ..	Do. ..	Do. ..	825 S. A. 200	2 10 22 ..
„ G. M. Robinson ..	Licensed Pilot, 3rd grade.	600—750—75— 1,050—50—1,500 Sea Allowance 150	750 S. A. 150	2 8 17 ..

THE COMMISSIONERS FOR

Europeans.

Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D.
<i>Pilots—concl'd.</i>				
Mr. W. Moore ..	Licensed Pilot, 4th grade.	600—750—75— 1,050—50—1,500 Sea Allowance 100	600 S. A. 100	1 3 29 ..
„ T. A. Gerard ..	Engineer, S. P. V. “ Beacon ”.	350—20—550	430	4 2 14

THE PORT OF RANGOON—(concluded).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D.
<i>Pilots Vessel, S. P. V. "Beacon".</i>				
Mr. G. W. Medd (a) ..	Mato (Pilot vessel) ..	500	500	1 1 29
„ D. H. Dhunjubhoy	Engineer ..	350—20—550	470	16 2 0

(a) Anglo-Burman.

Mr. T. Ryan (Director General of Posts and Telegraphs) : Sir, I lay on the table the information promised in reply to unstarred question No. 297 asked by Pandit Satyendra Nath Sen on the 29th March, 1932 and also reply to unstarred question No. 203 asked by Mr. S. C. Mitra on the 23rd March, 1932.

ABOLITION OF THE APPOINTMENT OF DEPUTY ASSISTANT ENGINEER, TELEGRAPH CONSTRUCTIONS.

297. (a) A Deputy Assistant Engineer, Telephones, is stationed at Patna as he has to look after the Patna Telephone system and other systems in the Patna Engineering Division including those in the coal-fields and at Ranchi. The question of this officer's retention at Patna was not referred to Mr. P. N. Mitra.

(b) No.

(c) Yes, but as already stated in the reply to part (a) of this question the Deputy Assistant Engineer's duties are not confined to the Patna Exchange only.

(d) Does not arise.

REVERSION TO SUBSTANTIVE APPOINTMENTS OF CERTAIN POSTAL OFFICIALS IN THE PUNJAB AND NORTH WEST FRONTIER PROVINCE POSTAL CIRCLE.

203. (a) No. Those officials only who were acting in permanent vacancies in the Selection Grade were reverted.

(b) There was one such case.

(c) No, at the time of the Honourable Member's question there were three inspectors who remained to be provided for, but this number has subsequently been reduced to two.

(d) Because the vacancy was not a permanent one. Subsequently the permanent incumbent of the post in question applied for an extension of his leave for one year with effect from the 10th May, 1932, and the clerk was replaced by a permanent inspector on the 5th May, 1932.

Dr. Ziauddin Ahmad : May I ask, Sir, whether Honourable Members of the Assembly have a right to ask supplementary questions on the replies laid on the table of the House? Probably it will be convenient if these replies are laid on the table of the House half an hour before we meet so that we can put any supplementary questions.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Honourable Members can frame questions on these replies if they want further information.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Legislative Business. The Honourable Mr. Haig.

The Honourable Mr. H. G. Haig (Home Member) : Sir, I rise to move :

“That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, be referred to a Select Committee consisting of the Honourable Sir C. P. Ramaswami Aiyar, Sir Hari Singh Gour, Mr. Amar Nath Dutt, Rao Bahadur B. L. Patil, Mr. Muhammad Azhar Ali, Mr. Muhammad Yamin Khan, Mr. F. E.

James, Dr. F. X. DeSouza and the Mover, with instructions to report on or before the 12th September, 1932, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : Will the Honourable Member kindly read out once again the names of Members of the Select Committee ?

The Honourable Mr. H. G. Haig : If you will direct me to do so, Sir, I am quite prepared.

Mr. C. S. Ranga Iyer : My object is simply to form an idea...

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : They will be read out again later.

The Honourable Mr. H. G. Haig : Sir, before I commence my observations, I should be glad to know whether in the course of them I should be in order in referring by anticipation to certain amendments which are down on the paper suggesting that the Bill be circulated.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member is perfectly entitled not only to deal with those amendments which appear on the Order Paper, but to anticipate any arguments which he thinks are likely to be advanced and discuss them provided they are relevant to the issue now before the House.

The Honourable Mr. H. G. Haig : I thank you, Sir.

This Bill, Sir, is a short Bill, but it is one which, I venture to think, is of very great importance in the criminal procedure of this country. The provisions of section 526 (8) have been in existence for very many years, but they were amended and drastically amended in the year 1923, and the results of that amendment are described in the Statement of Objects and Reasons. As I have there stated, the practical working of the new procedure has been carefully observed by Government over a considerable period, and they have come to the conclusion that it lends itself to grave abuse and is calculated to defeat the ends of justice. Now, Sir, we heard in the debate yesterday something of the secrets of forensic practice and the arts of advocacy and various compliments were paid to my Honourable colleague, the Leader of the House, for his familiarity with those arts and his great skill. I can lay no claim to any similar aids. The case that I present before the House must stand on its own merits, but fortunately it is a case which I believe to be very strong ; and I hope that the House, after hearing the case, will admit that it is almost overwhelming. There is also a general consensus of opinion among authorities, not only Local Governments but judicial authorities, that the present provisions of this section stand in urgent need of amendment.

Now, Sir, the Bill relates solely to section 526 of the Criminal Procedure Code, and I wish to take one preliminary point, for I believe that in past discussions of this case a considerable amount of misconception has crept in owing to not realising this point quite clearly. The Bill which I introduce in no way affects the grounds on which criminal cases may be transferred. Those grounds are clearly specified in sub-section (1) of section 526. Nor does it affect the right of any person concerned to make an application to the High Court at any stage of any proceeding with a view to securing a transfer. Those rights are contained in sub-sections (3) and (4) of section 526. It is provided that "the High

[Mr. H. G. Haig.]

Court may act either on the report of the lower Court, or on the application of a party interested". And again in sub-section (4) it is stated that "Every application for the exercise of the power conferred by this section shall be made by motion, which shall, except when the applicant is the Advocate General, be supported by affidavit or affirmation". Those powers, Sir, remain entirely unaffected. But in addition to those provisions, there has for many years been in the Code a special procedure contained in sub-section (8), which provides in certain circumstances—and I would emphasise those words, "in certain circumstances"—for compulsory adjournment when notification of an intention to apply to the High Court has been made. It is in connection with this procedure that certain serious abuses have crept in, which it is the object of this Bill to remove.

Sub-section (8) with which we are mainly concerned has had a long, and I think, rather a curious history. The special provision providing for a compulsory adjournment in certain cases was first included in the Code in the year 1884. The object of that procedure, in the words of Mr. Justice Lord-Williams in a recent decision in connection with this section—the object of that procedure was that an opportunity should be given to the accused before the case began to apply for a transfer, and that certain special provisions should guarantee the fullest consideration for that application, but "on such well-ascertained grounds"—these are the words of Mr. Justice Lord-Williams—"on such well-ascertained grounds as the interest of the judge, the unsuitability of the court, or the inconvenience of the venue". These are matters which one would naturally suppose would be well-known to the parties before the case commences, and for that reason this special procedure was only brought into operation in the case of applications which were made before the commencement of the trial. The main provisions then of this sub-section as it was introduced in the Code in 1884 were that the application must be made before the commencement of the trial, that it was not necessary immediately to adjourn the trial on receipt of the notice of intention to apply for transfer.....

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : Is it trial in the sense in which it was understood then, or is it trial in the sense in which it is to be understood under this Bill ?

The Honourable Mr. H. G. Haig : I do not quite follow my Honourable friend's interruption, and I hope he will allow me to continue my speech.

Mr. B. R. Puri : I am sorry.

The Honourable Mr. H. G. Haig : As I was saying, the main provisions were, in the first place, that the application should be made before the commencement of the trial, and in the second place, that it should not be necessary immediately to adjourn the trial, but, in the third place, that the accused should not be called upon to enter on his defence till he had had a reasonable opportunity of obtaining an order on his application. Well, Sir, and I believe this is the point which my Honourable friend was referring to just now, the sub-section as it appeared in the Code of 1884 was not very clearly drafted, and as years went on, conflicting rulings were given in the different High Courts as to the actual application of the

section. There was a tendency to insist that on notification of an intention to apply to the High Court the trial court should adjourn the case at once. This gave rise to various practical difficulties--what in those days were described as serious abuses, but in those days people were not acquainted with the later developments of this procedure, and now-a-days we might not regard them as such grave abuses as they were considered to be in those days. In order, however, to put right these practical difficulties it was proposed in 1914 to redraft the section in order to make clearer the original intention which I have just described.

Now, Sir, I come to the conditions which led up to the amendment which was passed in the Central Legislature in 1923. I must at once admit that, as I read the history of the events leading up to that amendment, I was very powerfully impressed by the feeling that everything went by contraries, that every argument led up precisely to the conclusion that one would not anticipate, that every action was taken precisely by the people who would not have been expected to take it. Let me develop my point. The whole question of the revision of the Code of Criminal Procedure, a most complicated and laborious task dealing with a very large number of sections, was first brought under consideration by a committee, a very distinguished committee, presided over by Sir George Lowndes. Well, Sir, I desire to speak, as I feel, with the utmost respect for the Lowndes Committee. Nevertheless, I was surprised when I saw the views which they expressed about this section and compared them with the proposals they made. What they said was :

“ There is no doubt that some of the provisions of section 526 are subject to constant abuse, and that the party against whom a criminal case is apparently going will frequently apply for a transfer on manifestly insufficient grounds. We are also satisfied that advantage is frequently taken of the section to obtain an adjournment which would otherwise be refused, without the least intention to make any application to the High Court.”

There, Sir, is a perfectly clear statement of the difficulties and the abuses which were already showing themselves clearly in the old procedure. One would have expected with that very clear statement of the dangers and the abuses that the committee would have realised at once that the system of compulsory adjournment was precisely that which lent itself particularly to the very abuses which they were anxious to remove. But it would seem that the minds of the committee worked on different lines. They thought that it would be possible to deal with these abuses by a system of penal costs, by authorising the High Courts in the case of frivolous applications to penalise the applicant. They also made a proposal that if the accused, at a late stage of the case, wished to put in an application for transfer, he should be required to enter into a bond. Those were the safeguards,—I fear, illusory safeguards, as subsequent facts have proved—those were the safeguards which the Lowndes Committee had in mind, but having proposed these safeguards they proceeded to make an absolutely fundamental change in the main procedure with regard to compulsory adjournment. As I have explained, in 1884 this system of compulsory adjournment applied only when the application was made before the commencement of the trial. The Lowndes Committee proposed that an application could be made at any stage during the trial and that the result of compulsory adjournment should follow. That, Sir, I think, and I hope the House will agree with me, was as a matter of fact the root of the trouble and that is precisely the matter which we want to abolish. Now,

[Mr. H. G. Haig.]

Sir, after the Lowndes Committee had considered the whole of this very complicated revision of the Code of Criminal Procedure, the matter came before a joint committee of the Central Legislature. They followed, and it was only natural for them to do so, the authority of the Lowndes Committee, but they also were fully alive to the great dangers of the procedure under this section. This is what they said : " We recognise that the provisions of the section as they stand have lent themselves to gross abuse and therefore we feel that greater safeguards are necessary ". These are words on which we could not improve. But what were the greater safeguards which they provided and what were the measures they took to prevent the gross abuse that they recognised existed. Actually the measures proposed went precisely in the contrary direction. They affirmed the principle suggested by the Lowndes Committee, namely, that at any stage of the trial, the accused could notify his intention of applying to the High Court and thereupon the court must adjourn the case. So long as that provision is in existence, no real safeguards are possible. They did, however, take up the safeguard suggested by the Lowndes Committee, namely, penalising frivolous applications and they included in the Bill what is now sub-section (6-A) which gives the High Court certain powers of penalising such applications. They eliminated, however, the proposal which the Lowndes Committee had made that a bond should be taken from the applicant. In this form and with this authority the Bill reached this Assembly. (I might mention that it originated in the Council of State.) And then a curious thing happened. While this section was being considered by the Assembly, a non-official Member from Madras, one of the homes of legal acumen, realising the weak point in this section, realising the grave dangers to the criminal administration of giving this wide power of compulsory adjournment proposed an amendment, which though it does not go so far as the amendment that I am proposing in this Bill, would at any rate have done a good deal to reduce the abuses which in fact have taken place. That amendment proposed by the non-official Member from Madras was accepted by the Government and was passed by the Legislative Assembly. Then, Sir, a still more curious thing happened. The Bill went back to the Council of State. The Council of State with some self-conscious satisfaction in acting as a revising chamber proceeded to restore the provisions as they stood originally and the Government again acquiesced. In this way section 526 (8) in its present form came into existence. (*An Honourable Member* : " There was no discussion in the Assembly ".) There was very little discussion in the Assembly, but the matter was duly deliberated upon. In the Council of State again there was not very much discussion, and I think that the root of the trouble really was that with an enormous Bill before the House there was inadequate discussion of all these matters in the Legislature at that time. But in the discussion that did take place in the Council of State I was interested to see that the very point which I mentioned at the beginning of my speech, the very misconception which I believe has led to the enactment of this section in its present form, was expressed by the mover who wished to restore the original draft as prepared by the Joint Committee. The argument was that the amendment proposed by Mr. Pantulu in the Assembly was taking away from the accused the right of asking for a transfer. Now, Sir, I maintain that it does nothing of the sort. It is merely taking away from the accused the right of demanding at any stage of the trial that the trial should be

adjourned. In this way section 526 (8) came into existence and let me once more recapitulate the main features of the present law. As soon as the accused notifies his intention to apply to the High Court for a transfer, the court has absolutely no discretion. It is bound to adjourn the case. That is the first point. In the second place there is no limit to the number of applications that can be made in the course of a single case, no limit at all. In the third place there is no obligation on the party which has notified its intention of moving the High Court to take any such action. It might notify its intention and then merely wait. The applicant has secured the adjournment and he need not go to the trouble or the expense of moving the High Court at all and he need not, as my friend the Law Member points out, adduce any reason.

Now it is not difficult to anticipate what the results of such a provision must be. But I do not wish to rest my case on any theoretical considerations of the essential unsoundness of such a provision. I prefer to rest it on the actual experience of the administration of the law, on the reports of Local Governments, on the Administration Reports of High Courts and on the dicta of various High Court Judges ; and, Sir, at this point I would like to say, with reference to the amendment that this Bill should be circulated, that, though we realized almost from the beginning the dangers and the difficulties of this section, though we received strong representations at a very early date based on the difficulties and the abuses that were being experienced, we waited until we had accumulated what I regard as an overwhelming mass of opinion in favour of a change. We have had not only these reports from High Courts some of which I shall read out to the House in a moment, but at the end of last year or the beginning of this year we consulted Local Governments once more on the amendment which we are proposing in this Bill ; and we have got, on that amendment, the views of all the Local Governments and the views of the High Courts, and a remarkable consensus of opinion on the whole they present.

Mr. B. R. Puri : Were outside lawyers and Bar Associations consulted too ?

The Honourable Mr. H. G. Haig : In some cases Bar Associations too. Those opinions are available to the House and will be available to the Select Committee and copies are being placed in the Library of the House. Well, Sir, what are the actual results of the working of the law ? As is obvious, we find adjournments on frivolous pretexts and serious and even scandalous delays in the conduct of criminal cases. Mr. Justice Lort-Williams, in a judgment referred to in the Statement of Objects and Reasons, goes so far as to say that " no accused person can be convicted except with his own consent ". Well, Sir, without contending that every accused person makes full use of the rights which this section confers upon him, I do contend that there is the clearest evidence that the section is used to delay the prosecution evidence with a view to tampering with witnesses, to delay the proceedings as a whole with a view to tiring out the prosecution, to delay the proceedings in the hope that the presiding magistrate may be transferred—not at all an uncommon procedure—and generally, and this is a point to which I would invite the special attention of the House, to weaken the authority of the courts and to make it apparent that the defence can hold up proceedings at any stage and that the presiding magistrate is powerless to intervene. Well, Sir, the general

[Mr. H. G. Haig.]

effect is perhaps stated in the most cogent way by Mr. Justice Lort-Williams in the judgment which he gave, in which Mr. Justice Mullick concurred. This is what he says :

“ Since the enactment of the amended section, notifications have been given in most cases with the sole object of compelling the Magistrate to grant unnecessary adjournments against his will and proper judgment, or simply to retaliate upon him, out of spite, on account of some real or fancied grievance. And applications even when made honestly and seriously, are made upon the most absurd grounds, such as that the Magistrate has excluded or included certain evidence, or has sat late, or refused adjournments, or bail, or otherwise has exercised the discretions given to him and performed the duties imposed on him by law but has done so in some way not altogether pleasing to the applicant. Even the tone of his voice and the expression of his face have been urged as grounds for transfer.”

I trust I shall not weary the House if I read out a few extracts from the views of Local Governments, of High Courts and of individual Judges of High Courts. The Punjab Police Administration Report of 1925 contains the following :

“ Previously the prosecution was entitled to have the whole of its evidence recorded by the court before the proceedings were stayed, but now the prosecution evidence can be held up at any time, with the result that prosecution witnesses are tampered with before they come to have their evidence actually recorded.”

This is what the Lahore High Court Administration Report for 1928 says :

“ Another cause of delays on which almost all District Magistrates comment bitterly is the misuse of applications for transfer of cases. Under the amended Code of Criminal Procedure this appears to have settled down into a regular routine for prolonging proceedings, especially when there seems to be a likelihood of conviction.”

The Criminal Justice Report of Bihar and Orissa for 1929 refers to a case in which :

“ An accused person applied to the trial court seven times in order to move the High Court for a transfer of his case, but, although the case was adjourned five times, did not make any application to the High Court.”

Then Mr. Justice Walsh, in a judgment dated the 8th June, 1926, says :

“ I think it my duty to call the attention of Government through the district magistrate, if Government sees fit, with a view to drawing the attention of the Legislative Department of the Government of India, to the abuses which have arisen and are growing under this amended section 526 of the Criminal Procedure Code. If I recollect aright, it was pointed out that it was obvious, when the new proviso was enacted, that in the hands of dishonest, reckless and irresponsible practitioners this proviso might become a serious instrument of deliberate obstruction of justice, and waste of public time bringing the administration of the law into contempt. In my opinion it has been so used in this case, and it would be difficult to find an example more eloquent in condemning a provision of the law which allows such deliberate malpractices as have been carried on in this case.”

That is the judgment of an Honourable Judge of the High Court of Allahabad. Then the late Chief Justice of the Bombay High Court said :

“ We cannot shut our eyes to the fact that this is the third application for a transfer on the ground of bias and so on which has been presented to this Court since February 17th, 1930. We also cannot shut our eyes to the fact that repeated transfer applications of this kind might in certain events enable a complainant or for the matter of that an accused to stop a trial or enquiry altogether under section 526 (8), because as soon as one application for a transfer was rejected he could proceed forthwith to make another with only a possible liability for costs under section 526 (6A) ”

The Lahore High Court in 1924 were inclined to doubt whether an innocent accused reaped any real benefit from the amendment of section 526 though an unscrupulous accused, no matter how guilty, can irretrievably spoil a good case by delaying the hearing and harassing the witnesses and complainants. I have many other extracts but I hope what I have said will satisfy the House of a very widespread feeling among those who are responsible for the administration of the law—the High Courts—that the present provision lends itself to the most serious abuse.

Well, Sir, what are our proposals for remedying this abuse? We propose to restore what we consider to be the intention of the law before the amendment of 1923 was made. In doing so, we have taken pains to re-draft the section in order to eliminate the ambiguities which prevailed in the section as it existed from 1884 to 1923. We are providing that this special procedure of compulsory adjournment should be only applicable in the case of notices given before the commencement of the trial. We are making it clear that when such a notice is given, it is not necessary for the proceedings to be adjourned immediately. It is merely provided that the court should not proceed to the stage at which the accused has to disclose his defence until a reasonable time has elapsed to enable him to obtain an order from the High Court. It appears to us, Sir, that such a provision is fair both to the prosecution and to the accused. The accused, I would repeat once more, still retains his ordinary powers under sub-section (3) of section 526 to move the High Court at any stage of the proceedings. But, unless he notifies the court before the commencement of the trial, the court will not be under any obligation to adjourn the proceedings. The initiative and discretion will be restored once more to the courts where I venture to think they ought to reside. Now, Sir, one of the valuable suggestions made by the Lowndes Committee was that power should be given to penalise frivolous applications. For reasons which were explained in the judgment of Mr. Justice Lort-Williams, the provision in sub-section 6-A is very ineffective. In fact, owing to the particular way in which it is drafted it is very difficult for Government to show that its costs in opposing an application amount to so much and consequently, I understand, it practically never happens that the High Courts even in the case of the most frivolous applications grant any costs to Government. We have provided in this Bill for a more general wording which we hope will remove that particular difficulty.

Now, Sir, I have endeavoured to put before the House the general principles which we hope to secure. The details of our proposals are admittedly technical. If the House agrees to the motion which I am putting before it, I hope that some of the eminent lawyers in this House will go carefully with us into our proposals and either satisfy themselves that they represent, as we believe they represent, the best way of dealing with these difficulties or will be able to make certain suggestions which we shall find ourselves in a position to accept without affecting the main principles of the Bill. But, Sir, let me once more reiterate the objects of the Bill. I contend that the law as it stands lends itself to the most serious abuses of judicial procedure. Those abuses are not theoretical. They are found in practice to interfere seriously with the work of the courts and to give unscrupulous accused a most undesirable and unreasonable advantage. These conditions must be removed. We believe that

[Mr. H. G. Haig.]

they can be removed most suitably by restoring what was intended to be the position when this provision was first inserted in the Code in 1884. I trust that I shall have the support of the House in moving that we should abolish from our Criminal Procedure Code this notorious abuse.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Motion moved :

“ That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose be referred to a Select Committee consisting of the Honourable Sir C. P. Ramaswami Aiyar, Sir Hari Singh Gour, Mr. Amar Nath Dutt, Rao Bahadur B. L. Patil, Mr. Muhammad Azhar Ali, Mr. Muhammad Yamin Khan, Mr. F. E. James, Dr. F. X. DeSouza and the Mover, with instructions to report on or before the 12th September, 1932, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.”

Mr. C. S. Ranga Iyer : Sir, before Sardar Sant Singh moves his motion, may I move that the name of Mr. B. R. Puri be added to the Select Committee ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : It has been suggested that the name of Mr. B. R. Puri be added to the Select Committee. I should like to know if the Honourable the Home Member is agreeable.

The Honourable Mr. H. G. Haig : I should be very glad to accept the name of the Honourable Member if there is any kind of assurance that that will be the end of it.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhamadan Rural) : I move, Sir, that the name of Mian Muhammad Shah Nawaz be added to the Select Committee.

The Honourable Mr. H. G. Haig : I have no objection. It would add very greatly to the strength of the Committee if the name of Mr. Shah Nawaz were added to it, but I would just like to utter one word of caution, because I was present at the Round Table Conference when a process like this was started there. It was proposed at the first Round Table Conference that a Committee of the Conference should be appointed and starting in this way before long the entire Conference was included in the Committee.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I take it that the House agrees to the addition of these two names.

Sardar Sant Singh (West Punjab : Sikh) : Sir, after hearing the Honourable the Home Member, his forceful and illuminating speech on the subject, I do not think I will be justified in asking the Bill to be circulated for the purpose of eliciting opinion thereon. But, at the same time, I should like to say a few words with your permission. I have carefully read the Bill which has been introduced...

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I should like to know whether the Honourable Member is moving his amendment.* I will tell him why I am asking him to say so now. There are two other Honourable Members who have given notice of the same amendment. If the Honourable Member is not moving his amendment at this stage, he

*“ That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st February, 1933.”

should simply say so, so that the Chair may ask the other two Members whether any one of them wishes to move it. That will not deprive the Honourable Member of his right to speak on the motion later on. If he is not moving the amendment, then it will be the duty of the Chair to call upon each one of the other Members to move the amendment.

Sardar Sant Singh : I do not like to move my amendment.*

Mr. S. G. Jog (Berar Representative) : I do not wish to move my amendment.†

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : On the assumption we would be given full opportunity to speak on the Bill, I also do not want to move my amendment.‡

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The discussion will now proceed on the original motion.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : I would not have addressed the House but for the fact that I feel very keenly on the subject before us. I do not think it will be denied that the proposed Bill deals with one of the most important provisions of the Code of Criminal Procedure. While we may have our differences with regard to the policy or the principle upon which penal statutes are to be enacted, I am sure there will be no difference on one point, namely, that all penal statutes should be kept within limits. I venture to submit, Sir, that all Governments and, more so, foreign Governments, have a natural tendency towards despotism and it requires a great deal of vigilance to counteract that tendency. Penal laws are the real weapons of subjugation and, therefore, we, as representatives of the people and as guardians of their liberties, have got this duty cast upon us to be always on the look out that no encroachment upon the liberties of the people takes place unless the necessity of the occasion absolutely demands it. Before coming to the principal provision of the Bill, it is necessary for me to emphasize that this privilege of obtaining a transfer of a criminal case is a right which is conceded to a party under all systems of jurisprudence. It is also recognised by the law of this country. But if that law is merely made a ceremonial and a nominal one, in other words, merely an illusory right, it is of no use to an accused person. What is really wanted is that it should be a substantial right. Now, Sir, the provision, as it stands under the existing law, is one that has been in force for the last ten years, the last Act having been passed in 1923. It is contended that this law is wholly unsatisfactory, in fact in the words of Mr. Justice Lort-Williams, it leads to most amazing consequences and, therefore, armed with the authority of the Calcutta High Court, the Honourable the Home Member is now asking this House to lose no time in putting an end to this scandalous state of affairs. Sir, it shall be our duty to examine carefully and critically how far the gloomy picture depicted by the Honourable the Home Member is really so. At the very outset, I may state that it would be altogether wrong to say that to ask for the transfer does not amount to choosing of a forum. If a person seeks the transfer of a case from one court to another, it would not be fair to say that he is seeking a forum for himself. What in reality he is doing, is that he is refusing to be tried by a court which is not capable of dis-

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†“ That the Bill be circulated for the purpose of eliciting opinion thereon.”

[Mr. B. R. Puri.]

pending impartial justice to him. That, Sir, is a correct and fair interpretation of this Act. As a matter of fact, if a magistrate is not capable of acting as an impartial and unbiassed magistrate, he has got no claim at all to be called a court of law. Therefore, it is necessary to clearly understand that the accused person is not making an extravagant claim in any manner, he is asking for bare justice. He is offering to prove his allegation and, it is only after he is able to satisfy a higher tribunal that he cannot secure justice from the particular magistrate, that he will be entitled to the transfer of his case. If a man secures a transfer from one court, and finds the new magistrate equally bad if not worse, if he is again driven to seek the same redress at the hands of a higher court, I do not see how you can blame him. In a given case as long as an

1 P.M.

accused person or any party to such criminal proceedings is able to show that he will not get impartial justice, it does not matter whether he repeats his application ten times. Or, again, if against the same magistrate he is compelled to ask for the transfer time after time on fresh grounds alleged, you cannot say that he is doing anything wrong. His attempts though unsuccessful may yet be perfectly honest and *bona fide*.

Now, Sir, under the existing law an accused person has the right to notify his intention of applying for the transfer at any stage in the course of an inquiry or trial. The law before 1923 was that an accused person could notify the court at any time before the commencement of a hearing. There was, I submit, no material difference between the two provisions. The only difference between the two provisions consisted in this, that under the pre-1923 Code an accused person had the right at any time during the inquiry or trial to notify to the court, all that it was necessary for him to do was that he should make this notification at the beginning of a hearing, that is, at the beginning of the proceedings on the particular day when his case is to be heard. If the proceedings on that day began at 10 o'clock it was not open to him to notify his intention or ask for the adjournment of his case at 12 o'clock. He should do it at 10 o'clock precisely before the hearing starts. There was no other restriction imposed upon him. On the other hand under the 1923 Code this restriction was removed and the notification could be made at any time during the hearing. But the main difference came further on, that is, after he had notified his intention the court under the 1898 Code could proceed to record evidence in the case, up to a certain stage in spite of such notice, *i.e.*, the court could record the whole of the evidence for the prosecution and could proceed with the case up to the stage when the accused person is called upon to enter on his defence. Beyond that the court could not go. The change that was brought about by the Act of 1923 was that at any stage of the proceedings on any day, as long as the court was sitting, whether it was the inquiry stage or the trial stage, an accused person had the right to notify his intention to the court and he could there and then ask for the stoppage of the proceedings. Now, if we refer to the Statement of Objects and Reasons of the proposed Bill you will find that the Honourable the Home Member says :

“ The Bill proposes to restore the position as it stood before 1923, but in restoring the provisions that then existed, it recasts them so as to eliminate certain ambiguities that had shown themselves.”

I will invite the attention of the House particularly to these words, "the Bill proposes to restore the position as it stood before 1923". It does nothing of the sort. Having placed the provisions which existed before 1923 before the House already, I will now ask the House to look at the proposed Bill and see by comparing the two provisions whether the claim put down in the Statement of Objects and Reasons is a true one. Referring to sub-section (8) of the proposed Bill we find that it reads thus :

"If in any inquiry under Chapter VIII or Chapter XVIII or in any trial, any party interested intimates to the Court before such inquiry or trial is begun that he intends, etc., etc."

Now, Sir, here you will see at once that the Statement of Objects and Reasons,—and I mean no offence to anybody,—is clearly misleading. There is no similarity between the two. Whereas in the pre-1923 Code a person could notify his intention to the court at any time during the progress of the inquiry or trial, the only condition being that he should do so at the beginning of the hearing on a particular day, the proposed amendment requires that such notice should be given only at the beginning of the inquiry or trial. That is to say, before any proceedings are allowed to take place in a particular case an accused person or any party to the criminal proceeding has got to make up his mind whether he is going to exercise this privilege of notifying to the court that he intends to seek the transfer of his case. It is only at this stage, the proposed Bill says, that he shall have that right and at no stage subsequent to that. This, I submit, is a clear departure from the old Act of 1898 whereunder, as I have said already, an accused person had the right to so notify at any stage during the inquiry or trial. One naturally expects a certain amount of harmony between a statement and a fact, but the Statement of Objects and Reasons disappoints us in this connection.

Now, let us examine the main provision of the Bill on its own merits. Leave alone the fact whether we are going back to the old law and substituting the 1898 Act in place of the existing Act. Let us examine the provision on its own merits and see whether it is a sound law. You will be able to appreciate the merits of the proposed Bill only after you have carefully examined the Explanation which is appended to sub-section (8). Explanation 1 says :

"A trial or inquiry before a Magistrate is begun when the first witness is called, and a trial before a Court of Session is begun when the charge is read out in Court."

Here it is very clearly defined as to what an inquiry or a trial is for the purpose of this proposed Bill. According to it an inquiry or trial begins in a magistrate's court when the first witness for the prosecution is called. We will leave alone the sessions court for the moment. An accused person will have hereafter, if the Bill is passed into law, a right to notify his intention of seeking a transfer only before the first witness for the prosecution is called. The old definition or implication of the word trial has been wiped out for the purposes of the present law. Whether it is an inquiry or whether it is a trial, for the purposes of this law it shall be deemed to have begun when the first witness is called into court ; and if an accused person is to exercise his right at all, that would be the only stage for him to notify his intention. It really comes to this : that as soon as the case is called, on the very first hearing, the accused

[Mr. B. R. Puri.]

person the moment he crosses the threshold of the court room shall have to enter into a race between him and the first witness. The result will be that unless he is quick in notifying his intention to the court, there is every possibility of the first witness walking in before the accused opens his mouth and this precious privilege which the Bill is about to confer upon him is gone for ever. And after all what is the good of such notifying. An accused will be very ill-advised in doing so. It will indeed be suicidal on his part to go out of his way and notify to the court that he wants to get his case transferred, because the court cannot give any help to him. The court in spite of his declaration will merrily proceed with the recording of the whole of the evidence against him. Every witness for the prosecution who is brought forward will be examined and in spite of the man notifying to the court. In fact it will be a tactical blunder on his part to inform the magistrate that he has got doubts regarding his honesty, impartiality or capacity. He will thus turn him into an enemy. Taking the magistrate as an ordinary human being the accused is sure to suffer by resorting to such an act.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Will you please tell me how long you are likely to take ? I do not wish you to curtail your remarks : I want information to decide when to adjourn for Lunch.

Mr. B. R. Puri : I will be some time—it may be about an hour.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The House will now adjourn till Half Past Two.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

STATEMENT OF BUSINESS.

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House) : With your permission, Sir, I desire to make a statement as to the probable course of business up to the end of next week. It is expected that the Bill for the amendment of section 526 of the Code of Criminal Procedure will be referred to a Select Committee to-day, and it is hoped that the Committee, by sitting to-morrow and on Saturday, will be able to present its Report on Monday, the 12th. The remaining business on to-day's list will be taken up next week with the exception of the motions in the name of Sir Alan Parsons for the consideration and passing of the Bill to amend the Income-tax Act, which will not be taken before the 19th of this month. The additional Government business which will be placed on the paper in the coming week on Monday and Wednesday will be motions to take into consideration and pass the following Bills :

- (1) A Bill to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz, as reported by Select Committee, and

- (2) A Bill to amend the law relating to emigrant labourers in the tea districts of Assam, as reported by Select Committee.

In addition, a motion will be made to refer to Select Committee a Bill to amend the Workmen's Compensation Act, which was circulated by this House last Session and motions will be made for leave to introduce :

- (1) A Bill to supplement the Criminal Law, and
- (2) A Bill to supplement the Bengal Suppression of Terrorists Outrages Act, 1932.

Should time allow, the two Government Resolutions, *viz.*, the Resolution in connection with the reduction of the travelling allowance of Honourable Members and the Resolution regarding the ratification of the International Convention for limiting the manufacture and regulating the distribution of narcotic drugs will be moved. Lastly, the First Part of the Report of the Public Accounts Committee will be presented on Monday.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL—
continued.

Mr. B. R. Puri : Sir, before the House rose for Lunch, I was dealing with the point as to the stage at which an accused person under the proposed Bill is given the right to notify to the Court his intention of seeking a transfer, and I was endeavouring to show how fruitless and indeed suicidal it would be for him to do anything of the kind, especially when he was not to get any proportionate advantage by making this notification to the Court. I am quite alive to the fact that it does not affect his right of moving the High Court for a transfer. I concede that at once. But what we have got to see in this connection and the danger that we have got to guard against is that once the intention is notified to the court, whether it is advisable in the interest of an accused person that the court should be allowed to proceed with the inquiry and record the evidence, the whole of the evidence for the prosecution. Sir, I believe that a great deal of harm and prejudice can be caused to an accused person, if the court is permitted to proceed with the recording of the evidence. We, who have experience as to what actually happens in practice, can speak from our knowledge, that if the magistrate is inclined to do harm to a particular party, he can do it in various ways, against which the aggrieved party has really no redress. Now, the most common way, in which a magistrate can go against an accused person is to overrule his questions in cross-examination however relevant and necessary they may be from defence point of view. The magistrate can shut them out as irrelevant. Discussions often follow until we come to a stage when the request of the defence counsel to record the question is even rejected. The defence counsel is then driven to the last resort, namely of drawing up hurriedly a petition, while the cross-examination of witnesses is actually proceeding, embodying his question which has been overruled, and then to put that petition upon record. I have even known cases where the magistrates have been so capricious as not even to permit such a petition to be placed upon their judicial records. I know that this is not the normal state, but we are dealing with abnormal cases, because when a person is driven to seek the transfer of a case, he does so only when he finds that he is not getting the impartial treatment which he should normally get. Apart from that,

[Mr. B. R. Puri.]

there are, Sir, various other ways in which a magistrate can exhibit his displeasure or his inclination to favour one or the other party. He can bully the witnesses if and when they say anything in favour of the accused. Now, Sir, against all these dangers there is absolutely no remedy. He can in certain cases,—and such cases are not unknown—make an inaccurate record. I can safely go the length of saying that cases have been known where false records have been prepared. Well then, if a man notifies his intention before the inquiry begins and the court is given *carte blanche* to proceed with the inquiry in the recording of the evidence in which all these abuses I have mentioned could be perpetrated, Honourable Members can well imagine the amount of prejudice and injustice and hardship which might be caused to an accused person....

Rao Bahadur B. V. Sri Hari Rao Naydu (Madras : Nominated Official) : The evidence has to be read over to the witness in the court.

Mr. B. R. Puri : Let me remind my friend that this is an empty ceremony.—‘Read over and admitted correct’ has been often the subject of comment in High Courts and we know from practical experience that these words are automatically put down without the statements being read out to the party. There have been convictions which have been set aside on that very ground.....

Rao Bahadur B. V. Sri Hari Rao Naydu : You can insist on that privilege.

Mr. B. R. Puri : In the same way as you can insist upon the magistrate taking down something which we believe he ought to take down, but how can you force him to do so ? After all, you cannot physically go and catch hold of a magistrate and make him take down what we believe he should.

Rao Bahadur B. V. Sri Hari Rao Naydu : That happens even in civil cases in the civil courts.

Mr. B. R. Puri : I am not concerned with civil courts now. I am dealing with the criminal courts. If therefore such things can happen,—and such things have happened in the past,—you would be really accentuating the mischief, you would be exposing an accused person to far greater dangers if you say ‘we will compell you to notify your intention at the very beginning of the proceedings’ and at the same time give a licence to the magistrate to do what he likes. After all, Sir, the magistrates are human beings, and it is no pleasure to hear that a party is dissatisfied with his behaviour and conduct and that he is about to be exposed and maligned before the higher courts. Therefore, I submit that it would be exposing an accused person to an irreparable danger and hardship if the present provision is passed into law.

The Bill is bad on another principle as well, and that is this. The accused person comes before the court and he finds that the presiding officer happens to be a man with whom his private relations have not been quite amicable. He is called upon, before the magistrate has said or done anything, to notify his intention at once if he wants to get the case transferred. He argues in his mind : ‘Here is a gentleman, although my private relations with him have not been quite amicable, but

he has not said or done anything yet ; and why not give him an opportunity. People sometimes do rise to the occasion, they do recognise their responsibilities. In private life perhaps they may not be so strict and scrupulous, but when a certain responsibility is placed upon them, they realising the responsibility act in a perfectly straight manner. Therefore, it would be pre-judging the magistrate without giving the man a chance. ' Why not wait and see how he behaves '. This would be a perfectly honest and fair view. Obviously it would be inopportune, premature, and unfair to the magistrate if you rush and ask for transfer. I have heard the High Court judges asking the counsel seeking transfer, " What has he done ? Has he given any indication that he won't dispense impartial justice ? ". The answer in such a case would be, no. Therefore, I submit that on this ground also your proposed Bill is open to serious criticism.

Apart from that, I would ask you to consider a case, which might very well happen, namely, that in the middle of the enquiry or trial the magistrate is bribed by one or other of the parties. What is the accused's remedy ? The occasion for him to notify to the court has already gone. Therefore, a misbehaviour, which comes into existence at a later stage and which could not have been anticipated at the commencement of the enquiry, has to be met with by prompt action at the time, but your Bill makes no provision for it ; in fact, it shuts out all remedy after the case starts.

In the light of the above remarks, I think one would be entitled to say that the Bill contains provisions the results of which would be amazing, if not worse. Let me here remind the House that, after all, an accused person can ill-afford to lightly seek the transfer of his case. When you bring before the House instances of abuse, I think you should also remember that there exists a very large number of *bona fide* cases where the accused person has been compelled and driven to seek that course. After all an accused knows that it is a serious step to take. He knows that his chances of success are less than even. For various reasons, both judicial and executive, the prestige of the court below is kept up and unless it is a glaring case, unless it is a case where strong grounds are made out, we know courts are disinclined to order transfer. And what are the consequences of failure. Unsuccessful party has practically sealed his own fate, for after knocking at the door of the High Court when he comes back before the same magistrate, he knows that he has done himself incalculable harm. Here again, I will remind the House that he is brought back face to face with the very man whom he has maligned, whom he has abused, and against whom he has made allegations before the High Court. The magistrate must be a super-man if he keeps the scales even. If he is an ordinary mortal, as we know these magistrates are, then I think the accused person has seriously prejudiced his case. Therefore, it is only when a person is driven to such a position that he seeks a transfer of his case,—it is not out of pleasure, it is not out of choice. He knows the consequences. Over and above that, under your existing law, he is liable to be penalised by costs which by itself is a deterrent factor. Therefore, one must not lose sight of the fact that it is not a proceeding which the accused person takes merely for the sake of fun or with a light heart.

Now, Sir, we have heard the Honourable the Home Member and his chief grievance is that the privilege which has been given to the accused

[Mr. B. R. Puri.]

has been grossly abused. But going through the Statement of Objects and Reasons, I find that the language used there is guarded. It does not say that the privilege has actually been abused and that the ends of justice have been defeated ; it merely says, " that it lends itself to grave abuse and is calculated to defeat the ends of justice ". I think, Sir, this is not an accidental error—but that the language is deliberately so used. In all probability my Honourable friend thinks that there is a defect in the drafting of the existing law and that, as such, it is capable of being abused, and not that it has in fact been abused. In a way it goes to the credit of the accused that they have not taken undue advantage of a lax provision. Be that as it may we have yet to examine the statistics on that point and then to come to a final conclusion whether they justify the conclusion that the existing law which has been in force for the last 10 years has really lent itself to serious abuses. On this point I have got one very important suggestion to make. To seek the repeal of a statutory provision is after all a cumbersome task. If the law has been abused, you should look round and see if your existing law provides any relief or not. If the relief is elsewhere to be obtained, then why enact a new law. In this connection I would invite the attention of the Honourable Members to the fact that the High Court has got plenary powers to take suitable measures by promulgating and issuing orders and taking other necessary steps if they find that their process is being abused or that certain provisions of law are used in a manner which would defeat the ends of justice. If the High Court has got such inherent powers and have been specifically given these powers under the very Code that we are dealing with, then why this extravagant process of asking for the repeal of a section. They can issue instructions. They can issue orders that in flagrant cases, in cases which transgress the legitimate limits, the High Court can put its foot down and say so far and no further.

The Honourable Sir Brojendra Mitter (Law Member) : How ?

Mr. B. R. Puri : I am coming to that. I would respectfully draw the attention of the House to a very important, effective and wholesome provision which exists in the Code of Criminal Procedure, section 561A, and with the permission of the House I will read it. It says :

" Nothing in this Code shall be deemed to limit or affect the inherent power of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice."

You have got your remedy provided here. Why knock about in different directions ? Here is a provision under which the High Court in suitable cases could say that up to a certain limit the party has got the right to ask for the transfer of his case but the moment he goes beyond that limit no further legal help is to be given to him. The language of the section is sufficiently wide and the powers are sufficient. Therefore from this point of view I would say that the present measure is an ill-advised measure and an unnecessary measure.

I concede that in certain cases which are not many this power might have been abused and it is no doubt capable of being abused but, if it is capable of being used and if a few people have abused it, why penalise a large class of accused persons who are driven by necessity

and on *bona fide* grounds to ask for the transfer of their cases. Your object can be served by resort to the provision to which I have just now referred without causing hardship to a large number of people who would be affected and prejudiced by your new law which would apply to all alike. While you are preventing a few people from abusing the section, you will at the same time be preventing a large number of people from seeking a legitimate redress.

Now, Sir, let us seriously consider how and in what manner the administration stands to suffer by such applications for transfer. The bogey of 'adjournment' has been exaggerated. Are not adjournments granted daily on other grounds, sometimes bad, but often on inadequate and insufficient grounds. According to the Government view, the administration is likely to suffer materially because under the existing law it is obligatory on the magistrate to grant adjournment. But after all what is the granting of an adjournment. Is it something that is going to seriously prejudice the administration of criminal justice? Don't we know how recklessly and light-heartedly these adjournments are granted every day? If the magistrate's liver is bad, if he has got a slight headache, if a few friends are waiting for him at home or if there is a tea party somewhere to be attended, the magistrates after hurriedly disposing of the urgent work postpone the rest of the cases. We know exactly how things work out in actual practice. Sir, the cases have often been adjourned because the public prosecutor is not available and so on and so on. If the cases are postponed so lightly on other grounds, and the administration of criminal justice does not suffer how is it going to suffer because the wretched accused asks for an adjournment.

Now, Sir, I will very briefly deal with the other aspect of the Bill, namely, the change which is intended to be introduced in sub-section (5) and sub-section (6.1). They may be considered together. The object of the

3 P. M.

proposed change is I take it not so innocent as it has been described by the Honourable the Home Member. I was waiting for some more light to be thrown on this subject but the Home Member contented himself by merely saying that instead of using the old phraseology, he proposed to substitute the word "compensation". Now I submit that this proposed change is of a very very far-reaching character and that it is not so innocent as it looks. It is, if I may be permitted to describe it, a very serious encroachment upon the right of accused persons. Under the existing law, all that is allowed to a party who is opposing transfer is that the unsuccessful party would be called upon to pay the costs of his opponent, costs which have been actually incurred; and there is another condition attached to it, namely, that the costs should have been reasonably incurred. Under the proposed Bill the unsuccessful party would be called upon to pay "such sum as the High Court may consider proper in the circumstances of the case by way of compensation". Now "compensation" is a very wide term. It takes absolutely no notice, no account of the actual expenses incurred, and it does not at all bring in the reasonableness of the expenditure. A man may have incurred, in opposing an application for transfer, expense of say Rs. 10 or Rs. 20, but the Judge dismissing the transfer petition might feel inclined to put a thousand rupees into his pocket. He will be perfectly empowered to do so according to the terms of the proposed section.

The Honourable Mr. H. G. Haig : It, surely, would be a very bad case !

Mr. B. R. Puri : It will be entirely dependent upon the temperament of the particular Judge ; if he thinks that the results are going to be ' amazing ', he might even go further. I know some Judges who would go further. Now, proceeding with the point, I would ask you also to remember that the proposed provision puts no limit upon the amount with which an unsuccessful party could be penalized in the shape of compensation ; and further not only is it a limitless penalty but it is a remedyless penalty against which there will be no remedy whatsoever. Therefore, one effect of that would be that it will scare away *bona fide* applicants, —no doubt it will keep back *mala fide* petitioners who are out to misuse this provision. Now, in this connection, I would ask you to consider that it would be only fair if the proposed Bill had fixed the amount of the penalty up to which a person could be saddled, and in this connection I would draw your attention to two very instructive provisions in the Code. One is section 250. That section says that when a party is responsible for having dragged another into a court on a charge which is ultimately found to be false or frivolous, the magistrate when discharging or acquitting that party has got the right to allow compensation to him to the extent of Rs. 100. Now I ask you to compare the provision which is now before us. Here there is no limit imposed. In a case where a man has dragged another into court on a false charge and where the case has probably been spread over several hearings, where the other party has put himself to a considerable amount of expense, where he has engaged probably eminent counsel, all that he stands to get by way of compensation is Rs. 100 and not a pie more ! If in the proposed Bill they had fixed down the penalty to the extent of Rs. 50 or even Rs. 100, they would have certainly given some indication of their fairness, but, in its present form, would it be extravagant on my part to say that the underlying object of this provision is to put an end to and practically to repeal the provision and to scare away every *bona fide* person from seeking transfer of his case. There is another provision and that is section 553 of this Code. Under that provision, if you have been responsible for getting a man arrested on insufficient grounds, you could be penalized to the extent of Rs. 50. I am only drawing your attention to these provisions which are to be found in this very Code in order to give you an idea of the sense of proportion which the Legislature has observed when dealing with the question of compensation, and in far more serious cases, the amount of compensation which the law has recognized. You have disregarded all these provisions, and you have now put a limitless and a remedyless penalty which is capable of being inflicted on innocent and guilty alike.

Sir, your law as it exists at present is not a very fair law ; it is a very one-sided law. They keep on condemning accused person. What about all those cases where an accused person has successfully established his charges against the delinquent magistrate ? Do you, Sir, realise what the success of a transfer petition connotes ? If I allege that the magistrate has not acted in a proper, in a fair, in an impartial and in a just manner, if I make other serious allegations and if ultimately I come out successful from the High Court, what does it reflect ? It shows that my allegations are true, and if my allegations are true what compensation do I get and

what penalty does the magistrate suffer ? It is quite clear that your law is bad enough as it exists and any further attempt to make that law more stringent would be causing a great hardship upon the people. Therefore, in view of all these consideration, I am forced to oppose this Bill. If it had been brought in a modified form and if it had been placed before the House in a manner which would just prevent the abuse of the process and at the same time protect the honest parties from enforcing a well recognised right, I would have been one with the Government. I would place before the House a suggestion which would, I trust, be duly considered because I feel that if this suggestion is adopted, the abuse will be prevented and at the same time there will be no unnecessary hardship inflicted upon the parties who are legitimately seeking the judgment. I will read out my suggestion in order to be exact in the very words in which I have drafted it. It runs as follows :

“ That the existing sub-section (8) should remain intact subject to the following proviso : Provided that the Magistrate may refuse to grant an adjournment for the making of such an application on the ground of its being frivolous or intended to defeat the end of justice where the accused or anyone of them has already been granted one adjournment for such a purpose.”

Now, Sir, if this suggestion is adopted, it will meet every bit of the objections and criticism of Mr. Justice Lort-Williams. I am not here to promote in any way the abuse of this process of which I am cognizant, and I know that in certain circumstances it is abused. But do give the accused at least one opportunity, because you cannot anticipate whether his charges are going to turn out to be true or false. And if he fails to convince the High Court once he shall not be entitled to any further adjournment. Of course, he can go to High Court independently, without securing any adjournment. That is his lookout, but certainly he cannot hold up the proceedings in these circumstances. I would therefore submit that I have got no course open to me but to oppose this Bill not because I am not mindful and conscious of the abuse to a certain extent but because it would involve a much greater hardship upon a much larger section of the accused people. I am therefore bound to oppose this Bill.

The Honourable Sir Brojendra Mitter : Is not that a Select Committee point ?

Mr. B. R. Puri : I really do not know, but if it is I shall be very glad to explain my position there. My first endeavour however is that the Bill as it stands at present is not acceptable to us and if it is competent to convert the existing Bill into something like what I have submitted, then, of course, I would not oppose it. That is the position which I would like to urge before the House.

Mr. F. E. James (Madras : European) : Mr. President, although I have delivered two maiden speeches in two other Legislatures, I would crave the indulgence of this House to a Member who is addressing it for the first time. I do not intend, were I qualified to do so, to enter into the detailed discussions in regard to the particular proposals underlying the Bill which have been made by the previous speaker. I may say that I fail to understand his position in regard to this question. It appears to me that we are now at the stage of considering the general principles underlying the Bill, and I would suggest to the Honourable Member who has just sat down that the proposal which he has read out to this House might well be considered by the Select

[Mr. F. E. James.]

Committee when it meets where he will have an opportunity of pleading his views with his well-known ability. Now, Sir, I wish to speak very generally about this Bill and I wish to speak in regard to it from the point of view not of a lawyer, but from the point of the average man in the street, if there is such a person. The Honourable the Home Member has in his speech indicated that there is an overwhelming case for an amendment of this section. It is a matter of some surprise to some of us that in view of the experience which has been known to the Government of India in past years, an endeavour has not been made earlier to amend this section. However I hope that once this is achieved, the Honourable the Home Member will turn his attention and the attention of his Government to the equally scandalous condition in regard to delays under the Civil Procedure Code.

Now, Sir, the present Lord Chancellor of England laid down recently that the quality of justice should be determined with reference to its impartiality, its speediness and its cheapness. I wonder whether the existing law and the proposals of the Government of India might be examined in the light of these three canons. I do not think anyone in this House would venture to throw any doubt whatsoever upon the impartiality of the judiciary in this country. I take it that that is not in the mind of even a single Honourable Member.

An Honourable Member : You are mistaken.

Mr. F. E. James : Anyhow, I leave that question in the hands of the lawyers. But I take it that it is not the purpose of any one during this discussion to allege that the magistracy of this country, generally speaking, is by any means wanting in impartiality. It seems to me that if there are any who take the view that the magistracy in this country is wanting in impartiality in certain directions, surely one of the methods by which they may be safeguarded against any loss of impartiality would be by increasing the independence of the magistracy. I have heard in other legislatures the point made frequently that one of the crying needs of the day is that the judiciary should be independent of the executive. I sympathise with that point of view. At the same time, surely the magistracy should also be in a position of greater independence than it is to-day with respect to those who appear before it. I have known of cases frequently in which it appeared to the observer that it has been the magistrate who has been on his trial before those who are appearing before him rather than the accused. All kinds of applications have been made on grounds which threw all kinds of references of an undesirable character upon the very magistrates who were trying the case and one of the first things that is necessary, if you are going to ensure that your magistracy is absolutely impartial, is that it should be far more independent than it is to-day in regard to the procedure of its own court. I wish also to suggest to this House that one of the best protection against partiality is the provision for speedier trial. It may be argued that in this Bill, as it is at present proposed, the pendulum swings a little too far in the opposite direction and I suggest to this House that, as that is a matter on which there is a great divergence of opinion, it might be dealt with in the Select Committee. The second canon is that of speed and here I speak with very great feeling. The previous speaker asked the House a question and his question was, "what is an adjournment? Is it such a bogey?" My answer to that

is, that an adjournment is often the worst bogey that confronts a person who is trying to seek a decision in a court of law. I am reminded of a French proverb which says "justice that delays loses its virtue". One of the greatest bug-bears of the average litigant is the possibility that months may elapse before he can secure a decision in a court of law. I have known examples of delays which have been definitely made for the purpose of defeating the ends of justice. I have known of delays which have been caused through the procedure which is made possible in the section, delays which have been caused in order to ruin financially one or the other of the parties. I have known delays which have been caused in a similar way in order that the particular case may be prolonged until a certain magistrate had been transferred to another district. I think that protection is needed not only for the defendant but also for the plaintiff against delays of this character. I may observe, Sir, that the modern tendency throughout the world is to speed up the execution of justice as far as possible. Those of you who are familiar with the procedure in the courts of England will know that the possibility of transfers are very limited, both as to jurisdiction and as to time. I understand that under the Italian Penal Code restrictions have recently been made far more severe, and that Code provides for very heavy penalties in the case of vexatious or frivolous or defamatory applications. I have been informed this afternoon that in America the practice is that after the trial has once begun, there is no possibility of changing the venue of the proceedings. I think that an ample case has already been made out and on the ground of this canon also, there is need for alteration in this section.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : May I ask the Honourable Member a question ? In America are not these trials held with the help of the jury who are judges of facts ?

Mr. F. E. James : The third canon which I would direct the attention of the House to is this, and it is a very important one from the point of view of the average man, the canon of cheapness. I do not know whether this particular canon would appeal to my lawyer friends so much as it would appeal to the ordinary litigant. I am quite prepared to admit that there is a danger in making justice too cheap. But there have been cases which have been brought to my notice in recent months in which this matter of costs is of vital importance. I have known cases, for example, where owing to the facility under this section by which an adjournment may be obtained, cases where prosecutions have not been launched which should have been launched simply because the persons desiring to prosecute feel that the expenditure in time and money was not justified. I have known also cases in which—I have mentioned them before—there has been a deliberate use of this section in order to ruin the defendant when a complainant saw during the course of a trial that he was not likely to get judgment on his behalf. I have known cases where the defendant has thrown in his hand although he has had a perfectly good case simply because he has not been able to sustain a continuous and increasing cost because of the constant delays which has been possible under this section. There are also cases, and these should appeal to the House particularly at this time, in which public money has been wasted in this connection. I understand that in

[Mr. F. E. James.] In connection with the Delhi conspiracy cases, there have been applications made under this section and adjournments granted which tended to prolong the cases far beyond the limits of time which were really necessary. All that costs money.

Therefore, Sir, I congratulate the Honourable the Home Member on at least tackling this difficult question. If we can in the coming days hand over to our successors in this country an administration of justice which is impartial, which is cheap and which is swift, we shall be doing something which generations to come will have cause to be grateful for ; and I may say that any action taken by this Assembly to improve legislation on this point will receive the support and gratitude of the people of this country.

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, this Bill aims to alter the law which was made in 1923 by this very House. The law, as it stood up to 1923, was that no application could be made for transfer to the High Court after the trial had started ; at least no adjournment could be allowed on that application. After a careful consideration of this law this very House altered the law to its present form. After this law had been on the Statute-book for the last seven or eight years we find that considerable difficulty in its administration has been experienced by Government and other litigants. I quite realise that there has been a misuse of this section by certain people and would not like that that kind of misuse may be made in future by any litigant whether in a case conducted at Government expense or on a private complaint. Here, Sir, there is only one principle before us which we cannot ignore. If that principle alone is stuck to by Government I cannot support this Bill and it will be my duty to oppose this Bill. But if Government guarantee that they will not stick to that principle but allow the Select Committee to make any kind of alteration which may suit the Government's point of view as well as improve the law instead of making it worse, then I will be prepared to support it. The principle here is whether a man during the trial can apply to the High Court by getting an adjournment of the case or not. Now, Sir, I have come across many cases in my experience in which I have found that the presiding officer was not at all impartial. The case could not be conducted properly in that district and it ought to have been removed from that district. For this purpose there was only one course open and that was to apply to the High Court. In many cases, at least in several cases, I found that the court was very reluctant to give any adjournment. They fixed dates which were so short that nobody could reasonably be expected to travel a long distance and go to the High Court for an order. In these cases the poor litigants had to suffer a great deal. They not only had to suffer inconvenience but they were put to unnecessary cost because there was no other remedy open to them except to travel all the way to the place where the High Court is situated and pay good fees to the counsel there. That only remedy which was open to them is going to be stopped by this Bill. This Bill aims at this that once a trial has started there can be no application for an adjournment of the case although a man may go to the High Court and apply there. Can there be any sense in this ?

The Honourable Sir Brojendra Mitter : That is not so. My Honourable friend has misread the Bill. If he reads the Bill carefully he will find that it is not so. The application is open at any time, either before the trial court or before the High Court or before the inquiring court.

Mr. Lalchand Navalrai : Yes, but before the commencement of the hearing.

Mr. Muhammad Yamin Khan : Anybody can submit any application but here the question is whether the court is going to grant an adjournment of the case or not. Every man is empowered to present a hundred applications every day before the court if he chooses to do so, but the question is whether the court is going to allow him reasonable time to go and make an application for the transfer of his case from his file to another court. That is the only principle, that is the only valuable right which is enjoyed at present by a litigant whether accused or complainant. This is intended to be stopped and I say it will be very hard on the litigant public. I fully realise there has been misuse in some cases. I would like to improve the law but this Bill instead of improving it goes the other way. It takes away the right of the litigants who cannot safeguard their proper rights and it denies them justice which they ought reasonably to expect at the hands of the High Court because they are precluded by this section from reaching the High Court and getting any redress from that court. That is a principle which we cannot accept. If this principle is altered and Government give a guarantee that this principle will not be strictly adhered to and all kinds of amendments will be allowed for the improvement of this law, then there will be no objection to this Bill being referred to the Select Committee. In the Statement of Objects and Reasons it is said that the law as it stood prior to 1923 provided that the application must be made *before the commencement of the hearing*. This principle is sought to be brought back again. The present principle is that a transfer application can be made at any time in the course of any inquiry or trial or before the commencement of the trial. That principle is now being reversed. If the House once accepts this principle, then they will be precluded from making any alteration in the Select Committee of the principle, because the principle cannot be changed, although the wordings or anything can be changed without the consent of the Government. If the Government gives a guarantee on the floor of the House that they will take no objection if this principle is changed in the shape as proposed by my Honourable friend, Mr. Puri, whom I congratulate for his very lucid speech and very learned speech, if as proposed by him or in some other way as the Select Committee chooses at that time to remove the present defects and improve the law, I will have no objection; but if it is not done I am sorry I will have no other course open to me except to oppose the Bill.

Mian Muhammad Shah Nawaz (West Central Punjab : Muhammadan) : Mr. President, in a very able and well balanced speech for which I congratulate him, the Honourable the Home Member has given reasons for the proposed change of law in the provisions of section 526 of the Criminal Procedure Code. In a very learned and able speech, my

[Mian Muhammad Shah Nawaz.]

Honourable friend, Mr. Puri, who is a well known lawyer of the Punjab, has tried to refute those arguments and he has come to the conclusion that the present Bill is unnecessary. He has however put forward an amendment which is a very good amendment indeed ; but that is a matter for the consideration of the Select Committee. If my learned friend is right in suggesting an amendment, and no doubt he is right, then the Bill should be referred to a Select Committee and I am also of that opinion. I also congratulate my friend, Mr. James, on his very eloquent maiden speech. There is no doubt that the practical working of section 526 has resulted in grave abuse of its provisions. It is calculated to prolong criminal proceedings against an accused for a very long time and thus defeat the ends of justice. There is no limit to the number of notifications which an accused person may be able to make and each time the trial court is bound to postpone or adjourn the case to a fresh date. In a joint trial the abuse can be aggravated to a very large extent and the trial court is helpless. Therefore the administration of justice can unreasonably be delayed. The Bill, as it stands, intends to restore the old position of the Act of 1898 before it was amended by Act XVIII of 1923. But I venture to submit that it goes a little further in one respect and is somewhat drastic. In other respect regarding the trial before the Court of Sessions it has improved the position of an accused person. Now, Sir, I agree with my Honourable friend the Home Member that the High Court has inherent power to transfer any case from one court to another court *suo motu* or on the application of the complainant or accused or any interested person at any stage of the criminal proceedings. Indeed the provisions of section 107 of India Act and the provisions of section 526 and the provision of section 561-A which was cited by my learned friend, Mr. Puri, are quite clear on this point. Section 561-A runs thus :

“ Nothing in this Code shall be deemed to limit or affect the inherent power of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”

That is to say, the High Court can transfer a case on any ground that it may think fit. The High Court can also stay proceedings. But I do not agree with my learned friend Mr. Puri when he says that the High Court can make rules under section 561-A, conflicting with the express provision of law. The express provision of law as stated in section 526 is this, that an accused person can notify his intention to the trial court that he intends to move the High Court to make an application for transfer ; and the trial court is bound to stay the proceedings. The High Court is not empowered under section 561-A to pass an order or to make a rule in conflict with the express provisions of section 526. If any ruling is required on the subject I submit 26 Bombay Law Reporter, page 719. Again the trial court is also empowered to postpone or adjourn the trial of any case under section 344, apart from any application on the part of the accused person or notification of his intention to move the High Court. This is what section 344 says :

“ If from the absence of a witness or any other reasonable cause, it becomes necessary or advisable to postpone the commencement of, or adjourn any inquiry or

trial, the Court may, if it thinks fit, by order in writing, stating the reasons therefor, from time to time, postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable, and may by a warrant remand the accused if in custody :

Provided that no Magistrate shall remand an accused person to custody under this section for a term exceeding fifteen days at a time."

That is to say, under section 344 the trial court can postpone the case at least for fifteen days.

Now, Sir, I submit that the scope of the present Bill has been somewhat enlarged. The present Bill deals with the question of costs and the time when the person interested should have a right to notify his intention with a view to get his case transferred by the High Court. I will deal with these points separately.

To begin with the question of costs. Under section 526 of the Act of 1898, the accused person was saddled with the costs if his application was dismissed and if he was eventually convicted. By the Act 18 of 1923, the High Court was empowered to give costs against an accused person if his application was dismissed and found to be frivolous or vexatious. Now, what does the present Bill propose ? It proposes that the word compensation should be substituted for costs ; it also empowers the High Court to grant any sum against an accused person that it may think proper. I have no objection as regards the word compensation ; it may be substituted for costs although I do not agree with the reasons given in the Statement of Objects and Reasons of the Bill ; but I am distinctly of opinion that the amount of compensation should not exceed beyond a certain limit—say one hundred rupees or so. The amount is a question of detail and a matter for the Select Committee to consider. The reasons are these : firstly because the applications for transfer do not take a long time for disposal. They can be disposed of very quickly by the High Court : in fact, they are disposed of, as a rule, in half an hour or even twenty minutes. Secondly, if an application for transfer is accepted, the crown or the complainant is not saddled with the costs of the accused person. And thirdly when the application for transfer is opposed by the Crown, ordinarily junior counsel are engaged and are paid Rs. 32 or Rs. 52. The High Court should not be empowered to award a heavy sum by way of compensation. Therefore, I am clearly of opinion that the word 'compensation' if substituted for the word 'costs',—I have no objection to the substitution of that word,—the compensation should be limited to an amount beyond which the High Court should not have the discretion to go.

Now, Sir, I shall proceed to deal with the more important changes in the law. The present Bill, as it stands, is intended to restore the old law of 1898. Under the old law of 1898, the notification should be made before the commencement of the proceedings, but the magistrate was not bound absolutely to stay proceedings. He could go on until the evidence for the prosecution was finished. Under the present law the accused person can notify his intention at any stage of the enquiry or trial,—before the prosecution evidence is taken, after the prosecution evidence is finished, before the charge is framed or after the charge is framed. There is no doubt that he has an absolute right to notify his intention to the trial magistrate and ask him to adjourn his case, and the trying magistrate is bound under the provisions of section 526 to give adjournment. It follows that an accused person can make one, two or three

[Mian Muhammad Shah Nawaz.]

notifications or applications and each time the magistrate must give time and postpone the hearing of the case. It is also clear that in a joint trial when there are several accused persons, each accused person in turn, at intervals, can notify his intention separately or collectively to the trial magistrate and ask him to grant an adjournment, and the trial magistrate is bound to give an adjournment. In many cases it may not lead to abuse, but experience has shown, and particularly in political cases the accused do desire intentionally to delay proceedings. Is it not our duty to set the law right when we find that it has resulted in grave abuse ?

Now, Sir, I do desire to say that the provision made in the present Bill that notification should be made to the trial court before the commencement of the proceedings is somewhat hard on the accused person. How on earth is he going to know that the magistrate has a bias against him, unless some sort of evidence is taken ? Unless a magistrate commits some irregularity, or some error in proceedings or does something wrong, how can he say that the magistrate is going to decide against him or conduct proceedings in such a way that they do produce apprehension in the mind of the accused ?

Further, the Bill says that the magistrate is bound to give the accused person reasonable time in order to get an order from the High Court, but the magistrate is not bound to stay proceedings ; that is, the magistrate can continue recording the statement of the last witness of the prosecution and finish all the prosecution evidence. Then what is the good of this notification before the commencement of the inquiry or the trial ? The accused person is not such a fool as to prejudice the magistrate at once. If the proceeding must continue, the right thing for an accused person would be to go to the High Court and apply there without any notification on his part to the trial magistrate. Therefore, Sir, the provision that notification should be made before the commencement of an enquiry or the trial and which also empowers the magistrate to go on recording the evidence is, in my humble judgment, quite meaningless. Sir, I am of opinion that the accused person should have a right to notify to the court his intention at any stage of the enquiry or trial as it is under the present law. Secondly, we must give some sort of discretion to the trial magistrate either to stay proceedings or to go on with them. The law should compel him to stay criminal proceedings for a reasonable time if the notification is *bona fide*. Discretion was given to the sessions judge under Act of 1923 to go on with the trial, if he thought that the accused person intended to delay proceedings unnecessarily. As the Bill stands, it goes a little further, and it does inflict a hardship on the accused person. After all, the object of law is to administer criminal justice with impartiality and independence. The present times may be very difficult times, but still you cannot make a general law to overcome the present difficult position. The general law, should be framed in such a way that it may not inflict hardship on anybody. Sir, I am of opinion that this Bill should go before the Select Committee, and its pros and cons should be thoroughly threshed out there and the necessary amendments should be made in the measure before it is passed into law. (Applause.)

The Honourable Sir Brojendra Mitter : Sir, for a Member of Gov-

4 P.M.

ernment, this debate is very encouraging, because every Member who has spoken up till now has acknowledged the defect in the existing law,—that the existing law is not merely liable to abuse, but has been abused and that the law ought to be changed. The difference between the Government Benches and Honourable Members who have so far spoken lies in the method of the change. Our objective is the same; our objective is to reconcile the ends of justice with the rights of the accused. That is our objective. Sir, we have devised a particular method of reaching that objective. My Honourable and learned friend Mr. Puri has suggested an alternative. So far as I can see, there is very little difference between him and us. What is Mr. Puri's suggestion? His suggestion is that there should be one compulsory adjournment, and then it should be left to the discretion of the court. Our suggestion is that the court should have discretion from the very beginning. That is the only difference between him and us as far as I can see.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions): Muham-madan Rural) : With your permission, may I ask one question of the Honourable Member ?

The Honourable Sir Brojendra Mitter : Yes.

Sir Muhammad Yakub : Is Mr. Puri's amendment within the scope of the present Bill ? Can Mr. Puri's suggestion be taken up and discussed in Select Committee ?

The Honourable Sir Brojendra Mitter : Undoubtedly. Sir, the principle of the Bill is this. Under the existing law there is an unlimited scope for compulsory adjournment; every time the accused makes an application the court is bound to grant an adjournment. We want to limit that unlimited scope of compulsory adjournment; we want to give discretion to the court. If the Bill is passed, the court will have discretion from the very beginning. On this point I think my Honourable and learned friend Mr. Shah Nawaz is under some misapprehension. His last argument was that the magistrate should be given some discretion. Now, let us see what we have suggested. " If...in any inquiry... or in any trial, any party interested intimates to the Court....that he intends to make an application under this section, the Court shall not proceed with the inquiry or trial beyond the examination....of the last witness...."

Mian Muhammad Shah Nawaz : The discretion is possibly implied, but it is not given in express words.

The Honourable Sir Brojendra Mitter : All we say is this, that the court shall not go beyond a certain point; it does not mean that the court must go to that point. The court may say, " Having regard to the fact that you intend to move the High Court for a transfer, well, exercising my discretion under section 344 I adjourn this case ". There is nothing to prevent the court from saying that. Therefore, the assumption made by my Honourable and learned friend Mr. Shah Nawaz that this ties the hands of the court and the court is compelled to go to the point of the last prosecution witness is not quite correct....

Mian Muhammad Shah Nawaz : No, I did not say that. What I say is that the discretion must be in express words and that there should be no doubt about it.

The Honourable Sir Brojendra Mitter : There is, then, no difference between Mr. Shah Nawaz and ourselves. What he says is this, that our drafting is defective and he wants to make it clear. Well, that is a matter for the Select Committee. My submission is that our drafting is quite clear ; he thinks that it is not clear enough. Anyhow, the Select Committee may take that into consideration.

My Honourable friend Mr. Shah Nawaz made another point, namely, that the right to intimate to the court the intention to move the High Court should be given to the accused person at all stages of the proceedings. We say that the intimation should be given before the commencement of the proceedings. That again is a matter for the Select Committee—whether that right should remain with the accused at all stages of the proceedings, or it must be exercised before the commencement of the proceedings. Nothing that we suggest can prevent the accused from making an application to the court for an adjournment under section 344 on the ground that he was going to move the High Court. But, anyhow, that is a matter for the Select Committee. I say that the accused is not hampered but Mr. Shah Nawaz seems to think that his right has been taken away. If there be any doubt about the matter, the drafting may make it clear.

Then, as regards compensation, both my Honourable friend Mr. Puri and my Honourable friend Mr. Shah Nawaz suggested that there should be a limit and that it should not be left to the discretion of the High Court. That again is a matter for the Select Committee because if the principle of awarding compensation against an unsuccessful applicant be accepted, then the Select Committee may consider whether compensation should be left to the discretion of the court or there should be a statutory limitation upon it. On this point my Honourable friend Mr. Puri referred the House to two sections of the Code of Criminal Procedure, sections 250 and 553, and he argued since under those sections there is a limit put upon the amount of compensation, why should not such a limit be put in section 526. That I understood to be his argument.

Mr. B. R. Puri : The object was also to give an idea as to the amount of the compensation.

The Honourable Sir Brojendra Mitter : The real point is in one case there is a statutory limit and in the present Bill there is no statutory limit, and why is this distinction. Probably, my Honourable friend has overlooked the purpose of those sections. Section 250 deals with malicious prosecutions for which an aggrieved party has got his remedy in a civil court. Section 553 deals with malicious arrests, for which also there is a remedy to the aggrieved person in civil damages. But for a successful party in a transfer application there is no such remedy ; that is the distinction.

Mr. B. R. Puri : No more there is, when the court acquits an accused person after a prolonged trial. What remedy has the accused person ?

The Honourable Sir Brojendra Mitter : That is a broad principle of criminal law into which I am not going to enter now, because then you may say that when there is a conviction and there is an acquittal in appeal the accused person who is finally acquitted in appeal ought to be compensated. Well, no system of criminal jurisprudence of which I am aware provides for that sort of compensation. That is a much bigger question, but what I am on is this, that the two sections quoted by my Honourable friend, Mr. Puri—one deals with malicious prosecutions and the other deals with malicious arrests, for which there is a remedy, a well-known remedy in law, namely, damages, whereas under section 526 there is no such remedy in law, and that is the distinction. Whether that distinction is a valid distinction, or not, I am not arguing that point now, because that is a matter which the Select Committee may very well take into consideration. Therefore, all the criticisms which have so far been made are really Select Committee points. But the principle of the Bill, namely, that the unlimited scope for compulsory adjournment should be put a stop to, has been accepted by every speaker who has hitherto spoken.

From the speech of my Honourable friend, Mr. Yamin Khan, I think there is some misapprehension about the present position. My Honourable friend the Home Member explained in his opening speech that we were not dealing with the powers of the High Courts in any way whatsoever. The High Courts' powers are left absolutely untouched by this Bill. What are the powers of the High Courts under the existing law which will not be affected in the least little bit by this Bill? Now, the first power is under the Charter Act. The High Court can transfer any case from any court to any other court under section 15 of the Charter Act. Then there are the Letters Patent of the various High Courts under which again the High Courts may transfer any case from any subordinate court to any other subordinate court. Then there is section 439 of the Criminal Procedure Code. There is section 526 of the Criminal Procedure Code. There is also section 107 of the Government of India Act. The High Courts can exercise all these powers whether this Bill is passed or not. They are not affected in any way. Therefore an accused person, whether this Bill is passed or thrown out, can always go to the High Court for transfer. Now, the only difference between the existing law and the law that will be if this Bill is passed is this,—under the existing law in addition to the right of going to the High Court, there is a further right,—directly an intimation is made that the accused is going to the High Court, that automatically stops the progress of the case. We want to put a stop to that state of things. That is all. Now what happens in many cases is this. I can give instance after instance from my own professional experience. The case goes on. Directly an accused sees a witness giving strong evidence against him he immediately intimates that he is going to the High Court on some pretext or other. He need not adduce any reason and in most cases he does not adduce any reason. The case is adjourned for two or three weeks. He does not move the High Court. He comes back and goes on with the case. Then when the noose is being drawn tightly round his neck and the evidence against him is getting stronger and stronger he puts in another application. He does not move the High Court the second time. Sir, shortly before I left the Bar, I was engaged in a case up-country. It was a four or five days case. After I examined my first witness—I was prosecuting—an application was made that the accused was going to move the High Court. Well, the case had to be

[Sir Brojendra Mitter.]

adjourned and we went to the station to go back to Calcutta. I asked my opponent who was travelling in the same train when he was going to move the High Court and on what grounds. He said 'We are not going to move the High Court'. Three weeks elapsed. We came back and examined two more witnesses. Again the same tactics were resorted to. Again we went back to Calcutta. The High Court was not moved. This was repeated a third time.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : You got your fees the whole time ?

The Honourable Sir Brojendra Mitter : The existing procedure is very good for my profession but the interests of the profession do not always coincide with the ends of justice. What happened ? A case which ought to have been finished in four or five days took 3½ months. Meanwhile I tried to find out why they were resorting to these tactics and I discovered that the whole time the other side was trying to get at my witnesses. It was not merely for delay. I mention this case to Mr. Puri because hitherto all cases which have been mentioned are cases in which applications had actually been made.

Mr. B. R. Puri : What was the result of that case ?

The Honourable Sir Brojendra Mitter : I will tell you. I know my friend wants to make out that ends of justice were not defeated. I got a conviction but it was due to this fortunate circumstance that my case depended upon documents and these witnesses were all witnesses to proved documents and therefore even if they had been tampered with, serious damage could not have been done. I got conviction and what was the result. Although three applications were made, the High Court was never moved. In that case, after the conviction there was not even an appeal. I am mentioning this to show that this section is not merely liable to be abused but as a matter of fact it is abused very frequently.

Mr. B. R. Puri : In your long and brilliant career, this is the only isolated case with which you are familiar.

The Honourable Sir Brojendra Mitter : I know of scores of cases. This is the last case, and that is why I mentioned it.

Now, I want to deal with a point which my learned friend Mr. Puri made with great eloquence. That was the plight in which a poor accused finds himself in the court of a dishonest magistrate. Well, the poor accused will always be in a sorry plight if the magistrate is dishonest. No amount of legislation can improve that state of things. But my friend must remember this. If in such a case you can make out that the magistrate is not honest or not fair, you should get a transfer ; but supposing you don't make that out, you have got to come before that very court. Then how is the accused any better off by getting a compulsory adjournment ? If you make out a good case, the High Court transfers the case or if you don't, rejects it. If you make out a good case, at most the case goes up to a point, the examination of the last prosecution witness. That cannot do very much harm under our scheme. But you don't gain anything by a compulsory adjournment for two or three weeks. If it is transferred you go before a new magistrate and you are all right. If it is not transferred, your plight might be worse. Therefore that argument

has in my judgment no bearing upon the question of compulsory adjournment or discretionary adjournment. Why my learned friend brought that argument forward I fail to understand, because it has no bearing on the question whether there should be a compulsory adjournment merely on intimation or it should be left to the discretion of the magistrate. Well, it has been suggested—and this is the only relevancy I can find—that the records may be manipulated. If you can make that point, surely the High Court will order a trial *de novo*. The witnesses will have to be recalled, and not much harm will be done. Therefore in my submission, that argument does not carry this matter very far.

Then another point which I wish to refer to and which has already been answered by my friend, Mr. Shah Nawaz. It is Mr. Puri's reference to section 561A, which is known to the profession as the inherent jurisdiction section. It is well known, and no one, I think, knows it better than my learned friend Mr. Puri himself, that an inherent power can never be exercised in contravention of an express power.

Mr. B. R. Puri : It can supplement the existing profession.

The Honourable Sir Brojendra Mitter : When there is no express power you can invoke your inherent power. You can invoke your inherent power to implement an express power, but you can never go against it.

Sir Hari Singh Gour : *Specialia generalibus derogant*. "When you have a special law, the general provisions do not apply."

The Honourable Sir C. P. Ramaswami Aiyar : *Non derogant*.

The Honourable Sir Brojendra Mitter : I shall only refer to a ruling which says this :

"The court cannot pass any order under section 561A of the Code which would conflict with any of the provisions of the Code."

Well, that being so....

Mr. B. R. Puri : "The inherent power of the High Court can be invoked to prevent delay in the proceedings."

Where the Code is silent, this inherent power, in order to promote the ends of justice, could be invoked.

The Honourable Sir Brojendra Mitter : My friend's argument was this, that this Bill is unnecessary, because the High Court has ample powers by means of rules, regulations, circulars and what not, to give the relief which the Government is seeking. That is the argument which he made. He said this, that this Bill is unnecessary because under section 561A the High Court has got plenary powers to stop abuses of any processes of the law. I think that was the language he used. I say the High Court cannot ; if the statute provides that, merely upon intimation, there must be compulsory adjournment, then the High Court by no rules can go against that express provision of the law. My contention is that reference to that section is unfortunate, because that section does not empower the High Court to redress the abuse against which we are seeking to legislate here. Sir, these are all the points which have been made in the course of this debate; and even at the risk of repetition, I say that all these points are Select Committee points. As regards the question whether compulsory adjournment should be totally abolished, or one should be allowed, well, that is a Select Committee point. Then whether there should be a limit on "compensation" or it should be left to the discretion of the court, that also is a

[Sir Brojendra Mitter.]

Select Committee point. As to the various other points which have been made,—that the accused has been deprived of this right or that right or the other right by the Bill,—I have endeavoured to show, no right has been taken away ; section 344 is still there; and the accused can always make his application before the trial court. He can always go to the High Court, and the High Court has got the power of stay and the power of ordering a retrial or passing any order which the High Court thinks the ends of justice require. The High Court's powers are not affected in any way, and the rights of accused are not curtailed in any way except to the extent of his dominating the court, as he can do under the existing law. Now the courts are entirely at the mercy of the accused. The accused can hold up a trial as often as he likes and practically as long as he likes ; and, as Mr. Shah Nawaz pointed out, if there be more than one accused, if every one resorts to these tactics, then they can prevent the trial coming to an end at any time. That being the state of the law and it being recognized by this House that this state of the law is unsatisfactory and that it ought to be improved, I hope that this Bill will be sent to a Select Committee by the unanimous vote of the House. (Applause.)

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, at this late hour of the day, I fear I may not be able to do full justice to the case against this Bill. However I shall try to discharge my task faithfully. Sir, I do not accept the principle that it should be left entirely to the court's discretion to give an adjournment or not for applying for transfer of a case. Sir, as I understood my Honourable friend, Mr. Puri, he has not accepted that principle at all. He has put it very plainly that the provision that is going to be inserted into the present Bill, namely, that the accused can make an application only before the commencement of the initial proceedings, in other words, before the first witness is examined, is one to which he positively objects as a proper procedure. He has also objected to the procedure of leaving it to the magistrate to carry on the proceedings up to the stage when the last witness is finished. He has also not accepted the principle that the magistrate should give an adjournment only at that time and also at his discretion refuse the adjournment on the ground that the accused had had an earlier opportunity to apply to the High Court. I therefore object to the very principle of the Bill. I am not in favour of its being sent to a Select Committee, for, if the Government accepts the position as put by Mr. Puri, the existing section in the Criminal Procedure Code which allows an application to be made at any stage binds the hands of the magistrate to give an adjournment. If that is not accepted, then I submit that the suggestion that the Honourable Mr. Puri has made will not serve the purpose at all. Sir, this is a Bill which I am glad to say has been admitted by the Honourable the Mover to be one of very vital importance though short. But may I ask if the Honourable the Mover of the Bill paid any attention to the other side of the question ? He put before the House only one side of the question *viz.*, that the accused or the complainant abuse the provisions of section 526 (8). The other side is that it will be wholly unfair to the accused if he has to depend only on the technicality of applying at the commencement of the proceedings and on the mercy of the magistrate or the court to give an adjournment or not. This is a Bill I submit which should not be hustled through as it is being done now. I had an amendment that this Bill should be sent out for circulation. I did not move that amendment, but I should not be misunderstood. It should not be thought

that I had no grounds for asking for this Bill to be sent out for eliciting public opinion. I must say that this Bill is sought to be hurried through in indecent haste ; I think I am right in saying so.

Sir, what is the position ? This law has been in existence ever since 1923. We came to know of this Bill only when we came to this House on the 5th of this month. Before that we never heard that a Bill like this was going to undo the law which had existed for so many years. The Bill was not published in any Gazette ; the press had no opportunity of discussing it and no Bar Associations or Bar Councils or the public had been consulted or given an opportunity to consider this Bill. We are asked that this Bill should be passed with one stroke. Sir, the haste lies in this. This Bill was introduced on the 5th September and today after three days it is being considered for the Select Committee. If it is sent to the Select Committee, then the Mover of the Bill has said that the Committee should send their report on the 12th September, that is, after three days. Then after three days the Bill will again come to this House for being passed into law. This, I maintain, is indecent haste. An important Bill like this should not be rushed through.

Then the general principle of the law is that those who are concerned with the Bill, namely, the public, must be given an opportunity to express their opinion. In this case no such opportunity has been given. Sir, it is not a Bill which concerns only one community or one class ; it concerns the people of the whole of India, males and females. It deprives them of their right, a right which has been given to them after full consideration. I think it will be entirely wrong on the part of the Government to change the law without ascertaining the views of the public. Now, Sir, the position that is to be considered with regard to this Bill is this. The Honourable the Mover of the Bill gave us the past history of this legislation which however depicts only one side. He never mentioned the inconvenience or the mischief likely to be caused to the accused or the complainant, which received consideration when the law was changed in 1923. Sir, in 1898 when the Act was passed they made a provision that the accused would be given an opportunity to apply to the High Court provided he made an application before the commencement of the hearing ; also that the magistrate or the court would give him an opportunity and adjourn the case if the latter had not had an opportunity before. The magistrate had to give him an opportunity at the time when he was going to be put on his defence. These three things were well known when this law was going to be changed. The Lowndes Committee considered that the technicality of applying before the commencement had in practice done great harm and mischief to the accused. Therefore, that point rightly influenced that committee. They saw full well that when those provisions were put in practice, the magistrates proved themselves autocrats and refused the applications and did not give time. Therefore, the committee altered the law and gave no discretion to the magistrate. So, Sir, both sides should be considered. No doubt there may be some exceptional and extreme cases and the other side has been able to quote only such exceptional and extreme cases of some unscrupulous or dishonest people. But, Sir, to pass such a law and to bar the remedy to honest and innocent people will be doing a thing which is ruinous to the country. I would submit therefore that there is no reason

[Mr. Lalchand Navalrai.]

to say that this law was passed without consideration in 1923. The fact that the Joint Committee accepted the report of the Lowndes Committee clearly shows that they conceded that the mischief which was being done to the accused persons overweighed the abuse that the accused was capable of doing. Therefore they considered the question from all points of view and came to the conclusion that the law should be changed and the accused should be given an opportunity to make an application at any time when he finds that there are grounds for it and also that the magistrate must give him an opportunity to apply to the High Court.

Now, Sir, without taking much time of the House, I would go into the question of the merits of the Bill. It will be observed that what is now intended to be done is this. Sub-clause (8) in the Bill says : " If in any inquiry under Chapter VIII or Chapter XVIII or in any trial, any party interested intimates to the Court before such inquiry or trial is begun, etc." I may here remark that the present law as it stands allows both the complainant and the accused to apply and get time. The word " complainant " has now been taken away and the words " any party " substituted. My submission is that this has been done with the intent of taking away the right of the complainant, for the words " any party interested " in crown cases may be construed to mean the Crown itself and not the complainant though he may have moved the machinery. Take, for instance, the case of theft or the case of cheating, which are Crown cases, complainant if he feels that he will have no fair or impartial trial given to him, he would be absolutely debarred from asking for an adjournment. Then, Sir, it is further said that when such application has been made under this section, the court shall not proceed with the inquiry of the trial beyond the examination of the last prosecution witness ; but let me first point out the practical difficulties involved in presenting an application before the first witness is taken in hand. The practical difficulties are these. I have seen from my own practice at the Bar that invariably when an accused is brought before the magistrate, he examines one witness for the purpose of remand only and then gives another hearing. Generally the accused is not represented by a pleader at the first hearing on the very first day and the accused may not know at what time the case would be taken up against him or that the application has to be made for transfer forthwith. If at the next hearing after the first witness has been examined for the purpose of remand on a previous day an application is made, it will be refused. How hard and unjust this procedure would be can well be imagined. The second difficulty is this. There are very many difficulties, but I will say only one more. Supposing, on the day of the first hearing, the accused is not represented and his men go to engage a counsel and by the time he appears in court, the first witness is examined, his application for adjournment at any time will not be granted. I cannot, therefore, understand how such a technicality can be placed in the way of persons who seek justice. It has been once tried and removed and should not be reverted to. I cannot understand how application for adjournment can always be made before the commencement of the case. Many of the possible grounds contemplated by section 526, Criminal Procedure Code, could only arise during the progress of the case. The Code of Criminal

Procedure allowing an application for transfer under section 526 itself says :

“ Whenever it is made to appear to the High Court that a fair and impartial inquiry or trial cannot be had in any Criminal Court subordinate thereto.....”
he can make an application for transfer.

I cannot understand how an accused can always know beforehand that he will not get a fair and impartial trial from a court before the case actually begins. It will be possible for him to know only after the case has proceeded to a certain stage. Then again the section says :

“ That some question of law of unusual difficulty is likely to arise.”

Now, how will this be known ? The fact whether there is legal difficulty or not can only be known after evidence is recorded. The section further says :

“ that a view of the place in or near which any offence has been committed may be required for the satisfactory inquiry into or trial of the same.”

This can also be known mostly after the case has been proceeded with.

The last provision is :

“ that such an order is expedient for the ends of justice, or is required by any provision of this Code.”

This too can be realized at any stage of the case, as, much depends upon the attitude of the magistrate who has to decide the case. I know that numerous cases are transferred on account of the adverse attitude of the magistrates. It is only after a magistrate shows any leaning towards the complainant or the accused that an application could be made for transfer, and not before the case begins. Thus such a legislation will have the only effect of compelling every complainant and accused, as soon as he goes to court, to put in an application for adjournment on the ground of transfer provisionally to be on the safe side. With this aspect considered already by the Assembly and the Council of State when they passed the Act in 1923, it is no use returning to absurdity.

Coming now to the last portion of the Bill, it is said that an adjournment will not be given “ unless or until such party has had a reasonable opportunity of making the application and obtaining an order thereon ”. It will be very easy for the court to abuse such a provision. If an application is made before the commencement and the court proceeds with the case for some days naturally the accused will be busy with the case and will not be able to apply to the High Court for transfer and yet when the last witness is examined, the accused asks for an adjournment, the magistrate could refuse to give time on the plea that he had already an opportunity to move the High Court. I, therefore, submit there are practical difficulties. It is not easy to say that only one side is abusing the powers or the privileges given to it. It is not easy to get over the difficulties which the accused or the complainant will have. Then, Sir, comes the question with regard to costs or compensation. I submit there is already a penalty which should be considered quite sufficient. If an accused or if a complainant makes a frivolous application, the penalty that is already in existence is quite enough. By making an unsuccessful application and also by paying costs to the other side, an accused or a complainant increases his

[Mr. Lalchand Navalrai.]

own costs. I submit that the grounds urged in favour of the Bill are extraordinarily exceptional. It is not an ordinary occurrence that an accused makes applications one after the other. Even if he makes he may have very good grounds for making them. It is not likely that if two more applications are made all will be rejected. It is only where an accused finds out subsequently that he has good grounds that he applies more than once.

Then the Honourable the Mover said that opinions have been gathered of some Bar Associations. Those opinions were not even circulated and put into our hands. I find from them now that there are only three or four Bar Associations who sent in their views. They are all from small places. For instance, the Bar Association of Delhi says :

“ The association is not unmindful of the fact that the existing provisions can in cases be abused by an unscrupulous person, but to deprive one and all of a very wholesome provision—a provision designed to maintain the good name of justice and fair play—does not seem to be expedient.”

There is another Bar Association from Raipur which says :

“ The draft amendment is quite against the principle and the spirit underlying section 526. The sub-section (1), clauses (a) to (e), lays down the grounds on which an application for transfer of criminal cases can be made. The basis of all such applications for transfer is that the accused has a reasonable apprehension that he will not receive a fair trial. This apprehension can occur at any stage of the trial by circumstances then existing or occurring at any time. The draft amendment does not cover all such circumstances and is confined only to circumstances existing before the commencement of any trial or enquiry.”

Then, Sir, there is one Advocate who has also given....

Mr. K. P. Thampan (West Coast and Nilgiris : Non-Muhammadian Rural) : Sir, I rise to a point of order. Is he in order in reading extracts from papers which have not been made available to all the Members of the House ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member may take a note that the House is getting tired.

Mr. Lalchand Navalrai : It is unfortunate that even now there is hurry in getting over the business.

Sir, I conclude by saying that this a matter which should be very carefully considered. It was once considered very carefully and the present law made by this House and the Council of State, and I must assert that, it will be doing absolute injustice to the accused and to the complainant if this Bill is passed into law.

Sir Muhammad Yakub : Sir, I quite agree with the Honourable the Law Member when he said that the provisions of section 526 are sometimes abused. But, Sir, there are provisions of many statutes in this country which are more often abused by the Magistrates than the powers conferred by this section. And if Government are in no hurry to bring forward any remedy for removing those abuses, I do not see what hurry there is in bringing such a strong measure in order to remove one small abuse of the law. The only reason given by the Honourable the Home Member for introducing the Bill is that the trial of criminals is prolonged. Sir, if you read the order-sheets of the criminal cases in this country you will find that postponements in 99 cases out of a hundred are on account

of certain conveniences for the Magistrates themselves and not on account of applications for transfer. I agree that the abuse of the powers conferred by this section should be removed. But the measure which is suggested to remove this abuse is extremely severe. In fact it will create abuse of justice which will be much more drastic than the proposed clause. If the measure proposed by the Honourable the Home Member is passed into law, in the form proposed, it means that the right which the accused in this country have got to move the High Court to have their cases transferred will be taken away altogether. Now, Sir, what are the reasons for these transfer applications? In 75 per cent. of the cases you will find that an application for transfer of the case is put on the ground that during the pendency of the case the accused found that the trying Magistrate's conduct was such that he did not expect impartial or fair justice from that court, that the trying Magistrate did not give the accused a fair scope to put cross-questions to the prosecution witnesses, or that the trying Magistrate's conduct was objectionable. If you pass this measure into law it means that transfer applications can only be made before the trial of a case has commenced. Now, if the application can only be made before the trial has commenced, on what ground can the accused put his application? The High Court will say, "What are your grounds? Why do you want a transfer of your case to another court?" So I say that if the provisions of this Bill are enacted it will certainly mean that the power which the accused has got to have his case transferred will be taken away altogether. My friend Mr. Puri has, in fact, very thoroughly gone into the case and it would not be right for me to make a long speech at this stage. But what I submit is that in order to meet the ends of justice the power which is conferred by this section should remain as it is. But in order to avoid the abuses, and that is the object which the Honourable the Law Member has in view, an amendment on the lines proposed by my Honourable friend, Mr. Puri, should be allowed to be introduced and discussed in the Select Committee. And if the Honourable the Home Member definitely gives an assurance that an amendment on the lines proposed by Mr. Puri will not be ruled out on the ground that it is outside the scope of the Bill, then I will have no objection to vote for reference of the Bill to Select Committee. Of course the Honourable the Law Member, like a shrewd lawyer, has given an answer to my question. He said, "of course and undoubtedly", etc. But in the language of law, "of course" and "undoubtedly" mean nothing. So I wanted a definite assurance, and unless an assurance on these lines is given, I do not think Honourable Members on this side of the House will agree to the reference of this Bill to Select Committee.

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House) : Sir, it was not my intention to intervene in this debate, but having heard the remarks that have fallen from all the Honourable Members who have participated in the discussion, it appeared to me that it may not be out of place on my part, as one who has not only enjoyed the advantages of prosecuting criminals as an Advocate-General but have also utilised this section as a lawyer not unoften, to say this namely, that it is undoubted that the section as it now stands is liable to abuse and there have been frequent cases of such abuse. That in fact is conceded, if not entirely directly at least by implication, in most of the speeches that have been made. That there is an evil is admitted. That ours is the best method of combating the evil is what we contend. That some method should be found is conceded on the other side; and although the Honourable Member

[Sir C. P. Ramaswami Aiyar.] who spoke last insisted on an assurance not merely from a shrewd lawyer like Sir Brojendra Mitter but from the Home Member, may I say, as a lawyer who does not claim to be shrewd, that there is absolutely no doubt that most of the points that have been made in the debate including the very valuable points made by Mr. Puri and by Mr. Shah Nawaz will come within the ambit and scope of the Select Committee's discussions and within its complete jurisdiction. That having been granted it appears to me, Sir, that the discussion of what we may call the general principles of the Bill has disclosed the existence of an evil and a practically consensual desire to remedy it. Shall we not then go to the Select Committee?

Several Honourable Members : The question may now be put.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That the question may now be put.”

The motion was adopted.

The Honourable Mr. H. G. Haig : Sir, at this late hour I have no wish to detain the House and fortunately there is no necessity for me to make an elaborate speech, because the main points that have been raised in this very interesting debate have already been dealt with, with great ability, by my Honourable colleague, the Law Member, and my other Honourable colleague, the Leader of the House. As they have already explained, the House generally I think—perhaps with one root and branch opponent of all change—has accepted our view that there is a serious evil which requires to be remedied in the existing law. Now, I would like to recall what I said this morning at the end of my speech. I said that we were putting forward proposals which we believed represented the best way of dealing with this admitted evil, but that we hoped that with the assistance of the many lawyers in this House we should be able either to fortify ourselves in our belief that the particular remedy we propose is the best one or that they would be able to make alternative suggestions which we should find ourselves in a position to accept without affecting the main object of the Bill ; and the main object of the Bill is to remove what we claim to be a serious abuse of judicial procedure. Now, I have been asked specifically by my Honourable friend, Sir Muhammad Yakub, whether there will be any objection to the discussion in Select Committee of the suggestion made by my Honourable friend, Mr. Puri. I think there was a time, while Mr. Puri was developing his argument, when I felt that he was altogether opposed to any change in the existing law, that he was taking a view of the position of the accused which seemed to me to be unduly favourable to him. But at the end Mr. Puri frankly confessed that the section as it stands is liable to abuse and that he for his part would be glad to see those abuses removed. Now, any one who puts forward proposals with that object is, I think, entitled to argue them before the Select Committee. I myself should be very glad indeed to discuss Mr. Puri's suggestion in Select Committee. In saying that I do not pretend for a moment that I do not see certain objections to my Honourable friend's proposal. Those objections I should like to discuss with him in Select Committee ; but I entirely agree with what has already fallen from my Honourable colleague, the Law Member, that this is essentially

a Select Committee point. With that assurance I hope my Honourable friend, Sir Muhammad Yakub, will be completely content and I hope also that the House will now proceed by its vote to pass this difficult matter on to the next stage of Select Committee.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, be referred to a Select Committee, consisting of the Honourable Sir C. P. Ramaswami Aiyar, Sir Hari Singh Gour, Mr. Amar Nath Dutt, Rao Bahadur B. L. Patil, Mr. Muhammad Azhar Ali, Mr. Muhammad Yamin Khan, Mr. F. E. James, Dr. F. X. DeSouza, Mr. B. R. Puri, Mian Muhammad Shah Nawaz and the Mover, with instructions to report on or before the 12th September, 1932, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 12th September, 1932.



LEGISLATIVE ASSEMBLY.

Monday, 12th September, 1932.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I propose to take first the short notice question from Mr. Ranga Iyer.

SHORT NOTICE QUESTION AND ANSWER.

PRESENT INDIAN SITUATION IN SOUTH AFRICA.

Mr. C. S. Ranga Iyer : In view of the anxiety on the subject prevailing in this country, will Government be pleased to make a statement on the present Indian situation in South Africa ?

Mr. G. S. Bajpai : It would be convenient, Sir, if, for purposes of my answer to the Honourable Member's question, I based my statement to-day on the one made by me in this House on the 5th April, 1932. The three main points dealt with in that statement were :

- (1) That it was recognised that the possibilities of the Union scheme of assisted emigration to India were now practically exhausted.
- (2) That the Government of India would co-operate with the Government of the Union in exploring the possibilities of a colonisation scheme for settling Indians, both from India and from South Africa, in other countries.
- (3) The changes made in the Transvaal Asiatic Tenure (Amendment) Bill as a result of representations made by the delegates from India in a sub-committee of the last Cape Town Conference.

2. As regards the first point, action was taken by the Government of the Union to dismiss, with effect from the 31st March, 1932, the special staff which they had previously employed to explain the provisions of the scheme of assisted emigration which was agreed upon as a result of the 1927 Conference.

With regard to the second point, no suggestion has yet been received from the Government of the Union, with whom initiative in the matter rests. A conference of the South African Indian Congress, which met at Johannesburg on the 27th and 28th of August, is reported to have decided unanimously to appoint a delegate to the proposed committee of investigation, on the understanding that such co-operation should be taken to be inspired by patriotic motives, and should be limited to ascertaining if there exist any good opportunities for South African Indians in countries to which the exploration might be directed.

With regard to the Transvaal Land Tenure (Amendment) Bill, I explained, in my statement of the 5th April, only the modifications which Dr. Malan had made in the Bill before it was re-introduced in the Union House of Assembly. In the course of its passage through the Union Parliament, however, certain changes were made which, broadly speaking, had the effect of further safeguarding Indian rights. For the sake of clarity, I would re-state in detail the modifications incorporated in the law :

Clause 5 of the original Bill, which sought to segregate Asiatics by provision for the earmarking of areas for the occupation or ownership of land exclusively by Asiatics, has been deleted. Instead, the Gold Law has been amended to empower the Minister of the Interior, after consultation with the Minister of Mines, to withdraw any land from the operation of sections 130 and 131 of the Gold Law, in so far as they prohibit residence upon or occupation of any land by coloured persons. This power will be exercised, after inquiry into individual cases, by an impartial commission, presided over by a judge, to validate present illegal occupations and to permit exceptions to be made in future from occupational restrictions of the Gold Law.

Fixed property acquired by Asiatic companies up to 1st May, 1930, in which the controlling interest was nominally in the hands of Europeans but *de facto* in the hands of Asiatics, or which stood lawfully registered in favour of an individual Asiatic on the same date, and fixed property held through European trustees immediately prior to the 15th May, 1930, will all be protected. Shares held by an Asiatic or Asiatic Company in a private company, which, in the terms of the original Bill, would have been forfeited to the State if the company acquired any fixed property after the 1st May, 1930, are protected, provided that they were held by an Asiatic on the 1st May, 1932, and have not been transferred by him since that date and they will be heritable by one Asiatic from another who lawfully held them.

The provision in the original Bill, which declared illegal the occupation of any fresh 'stand' after 1st May, 1919, in the same township by an Asiatic, has been made applicable from the 1st May, 1930. Extensions made between the 1st May, 1919, and 1st May, 1930, are protected.

In areas, like Springs, which, according to a judicial pronouncement, were not formerly subject to the restrictive provisions of the Gold Law, but which have now been brought under those restrictions, Indians who were lawfully residing on or occupying land on the 1st May, 1930, will have their right of residence or occupation protected and will also be able to transfer the right to their lawful successors in title.

Local bodies, whom the original Bill required to refuse certificates of fitness to an Asiatic to trade on the ground that the applicant may not lawfully carry on business on the premises for which the licence is sought, shall have to treat a certificate issued by a competent Government officer to the effect that any land has been withdrawn from the restrictive provisions of sections 130 and 131 of the Gold Law as sufficient proof that a coloured person may lawfully trade on such land. If an application for a certificate, which is necessary for the grant of a licence, is

refused on the ground of insufficiency of title to occupy the land on which the business is to be carried on, an appeal may be preferred to the Magistrate of the district. The decision of the Magistrate on any such appeal is further subject to an appeal to the Transvaal Provincial Division of the Supreme Court.

3. At its recent meeting at Johannesburg, the South African Indian Congress passed a resolution condemning the Act and endorsing the action of the Transvaal Indian Congress which, on August, 14th, passed a resolution that the law should be resisted. It is understood that the idea is that people should be advised, individually and collectively, to abstain from filling in forms which have been circulated under the Transvaal Land Tenure Act of 1932 or to do or take part in any matter or thing which might mean conforming to the requirement of the said Act. A committee to organise Passive Resistance has already been appointed, but no date has been fixed for starting the movement. Government are informed that no action will probably be taken until the Commission, which it is proposed to appoint in order to inquire into individual titles of occupation, has reported.

4. The Government of India have instructed their Agent in South Africa to watch developments closely and to keep them informed so as to enable them to take such action as circumstances may require.

Mr. C. S. Ranga Iyer : Is it not a fact, Sir, that since the Cape Town Agreement was reached, further developments have arisen in South Africa including Passive Resistance or the preparation for Passive Resistance as communicated in a cable to the Right Honourable Srinivasa Sastri by the South African Indians ?

Mr. G. S. Bajpai : The only development which has arisen since the Cape Town Agreement is the decision of the Congress, towards the end of last month, to start Passive Resistance against the Land Tenure Act. There is no other development of which I am aware.

Mr. C. S. Ranga Iyer : Have the Government received any report on the subject from their Agent in South Africa about the reasons for starting Passive Resistance and other matters connected therewith, and will they be pleased to lay the same on the table of the House ?

Mr. G. S. Bajpai : I have already given the Honourable Member, Sir, the substance of the report, which we have received, from our Agent in South Africa, namely, that the South African Indian Congress has decided to start civil disobedience against the Land Tenure Act. There is no other report that we have received.

Mr. C. S. Ranga Iyer : When do they propose to start civil disobedience ?

Mr. G. S. Bajpai : As I have already stated, the intention, so far as I am aware, is that civil disobedience shall not start until the Commission which is to inquire into individual titles of occupation has completed its inquiry and reported.

Mr. C. S. Ranga Iyer : What is the strength behind the feeling for starting civil disobedience in South Africa ?

Mr. G. S. Bajpai : Well, Sir, naturally opinions differ as to what the strength behind any particular movement is, but my own information

is that a great majority of those who are affected by the Act are not very keen on Passive Resistance at present.

Mr. C. S. Ranga Iyer : How do the Government propose to prevent the calamity of civil disobedience being started in South Africa ?

Mr. G. S. Bajpai : Perhaps my Honourable friend has already read in the newspapers that the Agent, fortified by the opinion of no less a person than the Right Honourable Srinivasa Sastri, tried to dissuade the Indian community in South Africa from embarking upon Passive Resistance.

Sir Hari Singh Gour : Is the Honourable Member aware that the enactment of the Land Tenure Act which the Indian National Congress in South Africa complained of is a violation of the agreement or understanding arrived at between the representatives of the Government of India and those of South Africa ?

Mr. G. S. Bajpai : No, Sir. That really is not the case. There was no understanding arrived at between the Government of India and the Government of the Union of South Africa as regards the abandonment of the Transvaal Land Tenure Bill which has now become the Land Tenure Act. The agreement that was reached between representatives of this Delegation, the Delegation from India that is, and representative of Government of South Africa was as regards the amendments to be made in the Bill. Those amendments have not only been completely carried out, but, to some extent, they have also been improved upon.

Mr. C. S. Ranga Iyer : Is it not a fact that our Agent in South Africa occupies an inferior status as compared with the Japanese Consul in South Africa ?

Mr. G. S. Bajpai : As a matter of fact, the personal status of our Agent in South Africa is higher than that of the representative of Japan, because the Indian Agent in South Africa takes precedence immediately after His Britannic Majesty's High Commissioner in South Africa.

Mr. C. S. Ranga Iyer : Is it not a fact that the Japanese Consul in South Africa is given certain privileges in regard to the entry of the Japanese visitors in South Africa, which are absolutely denied to the Indian Agent in South Africa ?

Mr. G. S. Bajpai : Sir, the Japanese Consul has, I admit, certain powers as regards the entry of temporary visitors from Japan into South Africa, but those privileges he does not enjoy *qua* Consul, but by virtue of an agreement which has been made recently between the Government of Japan and the Government of the Union of South Africa. To anticipate my Honourable friend, I might state that the Government of India have also taken up with the Government of the Union of South Africa the question of making similar arrangements as regards the entry into South Africa on temporary permits of Indian visitors from this country.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state if it is not possible for the Government of India to interfere and ask the Government of the Union of South Africa to relax that Bill in order to satisfy the Indians in that country ?

Mr. G. S. Bajpai : I do not know whether I would be allowed the requisite latitude for explaining the position, but if I am, I would proceed to inform my Honourable friend opposite that the Act, as it is now placed on the Statute-book, is a relaxation of the Bill as originally introduced in the Union House of Parliament. The Bill, as originally introduced, wanted all Indians on the mining areas of the Witwatersrand, who are not already protected by the Act of 1919—and the number of persons affected was 75 per cent. of the Indians trading in South Africa—either to move into special reserved areas within five years, or to leave the country. We definitely took the line with the Government of the Union that that was relegating Indians to segregated areas, and that the Government of India could not agree to it, even though the principle of segregation had been on the Statute-book of the Transvaal since 1885. Our contention was that the Indians in South Africa should be allowed opportunity to reside and trade on those areas,—the mining areas,—without segregation, and it is as a result of the representations made by us that provision has been made to empower the Minister to withdraw particular areas in the mining areas from the prohibitive provisions of the Gold Law of 1908.

Sir Cowasji Jehangir : May I ask the Honourable Member whether the South African Congress were a party to the agreement arrived at between the Indian Delegation and the South African Government ?

Mr. G. S. Bajpai : No. The South African Congress were no parties to the agreement arrived at between the Government of India and the Government of the Union of South Africa, but I would inform my Honourable friend that the agreement reached by the Government of India with the Government of the Union of South Africa had the fullest support of the ex-President of the South African Indian Congress, Mrs. Sarojini Naidu.

Mr. S. C. Mitra : May I ask the Leader of the House whether the Government will see its way to allot a day for the discussion of this very important question in view of the fact that the South African Indians have been forced to resort to Passive Resistance, and further in view of the fact that the Honourable Member who is replying for Government has already made short speeches for more than fifteen minutes and yet he has not made the point clear to our minds ?

The Honourable Sir C. P. Ramaswami Aiyar : Mr. President, I have been asked already by one or two Honourable Members whether a day could be given for the discussion of this matter. I may say at once that Government are willing to do so, subject to certain discussions between Leaders of Parties and you, Sir.

Sir Hari Singh Gour : Do I understand that the Honourable Member's remarks equally apply to the request of Members on this side of the House as regards a day for the discussion of the future procedure regarding constitutional...

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : That point does not arise now.

Mr. C. S. Ranga Iyer : Will the Honourable Member be pleased to state whether the Brazilian Government have not agreed to have Indians in Brazil which was part of the agreement which was arrived at in the Cape Town Conference ?

Mr. G. S. Bajpai : In the first place, Sir, no agreement was arrived at in the Cape Town Conference as regards sending Indians to Brazil or to any other specified part of the world.

Mr. C. S. Ranga Iyer : Or was there a suggestion to that effect ?

Mr. G. S. Bajpai : No, there was no such suggestion either. The suggestion was that the two Governments should co-operate in exploring the possibilities of Indian settlement abroad, and as far as I know, no initiative in the matter has so far been taken by the Government of the Union of South Africa. But it is a fact, not at all connected with the South African agreement, that the Brazilian Government have, for the last two years, been prohibiting immigration into their country because of the prevailing economic depression.

Mr. Gaya Prasad Singh : May I ask the Honourable Member whether any assisted emigrants have been sent back to India since the Cape Town agreement was arrived at in January last ?

Mr. G. S. Bajpai : The Cape Town agreement, to be precise, was not arrived at in January last, but early in March. There have been Indians coming back from South Africa, and if my Honourable friend will give me notice, I will give him the number who have come back.

Sir Cowasji Jehangir : May I ask the Honourable Member whether, after the Cape Town agreement had been entered into, the South African Congress protested against it at the time ?

Mr. G. S. Bajpai : No, Sir. The South African Congress did not protest against the agreement at the time. They postponed meeting to consider the agreement until the new Agent from India had arrived in South Africa, and this he did about the beginning of last month.

Mr. K. Ahmed : In view of the fact that a lot of people in South Africa are about to start civil disobedience and so many Indians there are being daily repatriated to this country, do the Government propose to give an assurance to the House as to the prospect, now that the new Agent is there and we have the present incumbent in charge of the Department, which can satisfy the Assembly and the people of the country ? (Laughter.)

Mr. G. S. Bajpai : I have not been altogether able to follow the drift of the Honourable Member's question. But presumably, he wants the Government to tell the House whether our Agent in South Africa and the Government of India at this end are doing everything they can to safeguard the legitimate Indian rights. I give that assurance without the slightest hesitation.

Mr. K. Ahmed : In view of the fact that the answer of the Honourable Member is not at all clear,—the Honourable Member has the speech written at home and he comes and reads it, and he is reciting word for word from memory, without explaining the reasons,—the present incumbent in charge of the Honourable Member's Department, who is now the head of the Department, and the present incumbent who has just landed there in South Africa, who I am told was a very popular man in India—what prospect is there of those gentlemen satisfying the wishes of this Assembly and the people of this country ?

Mr. G. S. Bajpai : Sir, a little while ago I was accused by my Honourable friend opposite of making a speech, and I would ask him to direct his criticism to the gentleman who has just resumed his seat. It is quite impossible, Sir, to deal with what my Honourable friend has said...

Mr. K. Ahmed : I knew that you could not. (Laughter.)

Mr. G. S. Bajpai : But on the date of the discussion which the Honourable Members have asked for, my Honourable friend might speak differently as regards my capacity to deal with any points that he raises. But that is a side issue. What I wanted to say was that so far as I know the Agent whom we have recently appointed to South Africa has the full confidence of the Indian community in South Africa. As a matter of fact, the appointment was made after full consultation with people like Mrs. Sarojini Naidu and Mr. C. F. Andrews, who certainly have as good a title to speak for the Indians in South Africa as my Honourable friend over there.

Mr. K. Ahmed : That is no answer and it is irrelevant and superfluous.

Sir Abdur Rahim : Will the Honourable Member tell us briefly in what important respects does the position of Indians in South Africa still fall short of the position of White settlers in South Africa ?

Mr. G. S. Bajpai : My Honourable friend would permit me to classify Indians in South Africa into three categories according to the province in which they happen to be living. Indians in the Cape Province have exactly the same privileges as the White settlers, there is no distinction at all.

Mr. N. M. Joshi : Political ?

Mr. G. S. Bajpai : Including political and municipal.

Mr. N. M. Joshi : Can they stand as members of Parliament ?

Mr. G. S. Bajpai : They cannot, but they have the franchise. My Honourable friend's question was as to whether they have a right to sit in the House. The provisions of the South African Act limit the actual sitting in either House of Parliament to members of the White race but the Indians in Cape Town have the franchise just the same as others. Then in Natal, they have neither the municipal nor the political franchise but, as regards rights of property and everything else, they are in exactly the same position as the White settlers. In the Transvaal, apart from the fact that they have neither the political nor the municipal rights, which their compatriots have in the Cape, they are also subject to this disability as regards the occupation and ownership of land which, as I tried to explain to my Honourable friends, has been in existence since 1885.

Mr. C. S. Ranga Iyer : Is it not a fact that at the Imperial Conference of 1921, a resolution was passed recognising Imperial Citizenship for South African Indians ?

Mr. G. S. Bajpai : That is not true. I was present at that Conference. We tried to get the representatives of the Union of South Africa to accept the incongruity between the position of India as an

equal partner in the British Commonwealth of Nations and the political disabilities to which Indians in South Africa were subject. The dominions of Canada, Australia and New Zealand accepted this incongruity and said that they would remove the political disabilities to which Indians there were subject but South Africa dissociated itself from the resolution.

Mr. C. S. Ranga Iyer : Have the Government of India been carrying on negotiations with the Imperial Government in this matter in order to bring pressure to bear on the South African Government to remove this incongruity ?

Mr. G. S. Bajpai : As regards that, my Honourable friend is well aware that the position was discussed in the Imperial Conference of 1923, when it was made perfectly clear not only on behalf of South Africa, but also the other dominions that the question of regulating the franchise of a particular dominion was the exclusive prerogative and privilege of that particular dominion.

Sir Hari Singh Gour : Is the Honourable Member aware that in consequence of a decision of the Imperial Conference which established the principle of reciprocity applicable to India alike, the Indian Legislature passed an enactment known as the Immigration into India Act, 1924, empowering the Government to make rules placing the same disabilities upon other members of the British Commonwealth as the Indians suffer in those parts ?

Mr. G. S. Bajpai : My Honourable friend opposite was the author of the Act to which reference has just now been made and, if I may refresh his memory, it relates exclusively to entry into India, and not to such matters as political rights.

Sir Hari Singh Gour : Even as regards entry into India, Indians do not possess the rights which other foreign Whites and British Whites possess in South Africa. Has the Government considered the advisability of putting into force the provisions of that Act ?

Mr. G. S. Bajpai : The Government, Sir, have considered the desirability of putting into effect the provisions of that Act but they have come to the conclusion that the interests of the Indians in South Africa would be better served by not putting into force the provisions of the said Act, particularly as there are hardly any South Africans coming into India.

Mian Muhammad Shah Nawaz : Is the Government of India satisfied with the personnel of the Commission ?

Mr. G. S. Bajpai : My Honourable friend, I think, is referring to the Commission which is to be appointed by the Union Government, (*Mian Muhammad Shah Nawaz :* "Yes".) in order to inquire into individual questions of title. I do not really know that such a Commission has been appointed, but I can make inquiries on that point.

Mr. Gaya Prasad Singh : What steps have the Government of India taken to equalise the political and municipal status of Indians in Transvaal and Natal with that of the White settlers in those colonies ?

Mr. G. S. Bajpai : It is a long story, Sir, but I can briefly explain the circumstances in South Africa being what they are I do not think that the question of securing political equality for Indians is one of practical politics.

Mr. C. S. Ranga Iyer : Is it a fact that Brazil has been selected as one of the countries for the settling of South African Indians ? Have the Government considered the possibilities of settling Indians there ?

Mr. G. S. Bajpai : I have already explained that all that we undertook at Cape Town was to co-operate with the Government of the Union in exploring possibilities of settlement elsewhere. The initiative rests with the Union Government. I have no doubt that the Union Government have thought of Brazil as a possibility.

Mr. C. S. Ranga Iyer : Is there any private agency or Government agency that is exploring possibilities ?

Mr. G. S. Bajpai : There is a private agency, I believe.

Dr. Ziauddin Ahmad : Did I understand it correctly that in the acquisition of land a distinction is made between coloured and White races ?

Mr. G. S. Bajpai : As regards acquisition of land in the Transvaal a distinction is made between Europeans and non-Europeans.

Dr. Ziauddin Ahmad : No distinction is made about British Empire and non-British Empire ?

Mr. G. S. Bajpai : No such distinction is made.

Mr. C. S. Ranga Iyer : Is there growing unemployment among Indians in South Africa ?

Mr. G. S. Bajpai : I do not know if it is growing. It has been certainly in existence for some time.

Mr. C. S. Ranga Iyer : What has the South African Government done for finding employment for Indians there ?

Mr. G. S. Bajpai : I am not aware that the Government of the Union of South Africa have any special unemployment policy either as regards Indians.

Mr. C. S. Ranga Iyer : Is it not a fact that the unemployed Indians in South Africa have been coming to this country ?

Mr. G. S. Bajpai : Certainly they have been coming.

Mr. C. S. Ranga Iyer : Are the Government finding any employment for them ?

Mr. G. S. Bajpai : Government have a special agency in Madras which devotes itself to the business of finding suitable employment for Indians who return from South Africa.

Mr. C. S. Ranga Iyer : Has the Government seen a suggestion in the *Statesman* to the effect : An alternative course will be for India to enable those who, after spending a year in India are disappointed with it, to return to South Africa by refunding on their behalf the assistance that they received from the Union Government.?

Mr. G. S. Bajpai : Perhaps my Honourable friend will let me correct him on one point. That is not the opinion of the *Statesman* ; it is the opinion of the *Servant of India*. Government have not yet considered that suggestion.

Dr. Ziauddin Ahmad : May I ask whether it is in keeping with the policy of the British Empire not to make any distinction between White and coloured races of the Empire ?

Mr. G. S. Bajpai : I think that is a question, Sir, which might very well be addressed to the Dominions Secretary of Great Britain. I am not in a position to answer it.

Mr. C. S. Ranga Iyer : Do Government propose to consider the opinion of the *Servant of India*, which was quoted with approval by the *Statesman* of Calcutta ?

Mr. G. S. Bajpai : Government will consider the suggestion.

Mr. T. N. Ramakrishna Reddi : Is it a fact that Government has asked a private agency which has been established in Bombay in this connection to wind up ?

Mr. G. S. Bajpai : So far as I am aware, Sir, the Government of India have taken no such action.

Mr. T. N. Ramakrishna Reddi : I am informed, Sir, that the Superintendent of Police, Bombay, went to that office and asked the agency to wind up its business and that as a consequence of it the private agency has gone away to Brazil.

Mr. G. S. Bajpai : I shall be happy if my Honourable friend opposite supplies to me such information as he has on the subject.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Next question.

Dr. Ziauddin Ahmad : On a point of order, Sir,—may I ask, Sir, whether supplementary questions, which could not be put on account of lapse of time, may be continued like discussions on Resolutions and Bills ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Supplementary questions on what answer ?

Dr. Ziauddin Ahmad : On question No. 159, which was being replied last time ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member ought to know that that question was closed.

QUESTIONS AND ANSWERS.

STRENGTH OF THE INDIAN ARMY IN INDIA.

160. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : Will Government be pleased to state the total present strength of the Indian Army in India ? What was the strength in 1914 before the War ? What was the cost in 1914 and what is the cost to-day ?

Mr. G. R. F. Tottenham : The strength of the regular Indian Army on the 1st April, 1914, was about 182,000 and on the 1st April, 1932, about 160,000.

I am afraid that it is not possible to state the cost of the Indian Army separately. The cost of the regular Army in India, that is to say, of the Indian Army *plus* that portion of the British Army which was serving in India, but excluding non-effective charges, was just over Rs. 24 crores in 1913-14. It is estimated that the corresponding figure for the current year, including the cost of the Royal Air Force, will be about Rs. 37½ crores.

PROPORTIONATE STRENGTH OF SIKHS, MUSLIMS AND HINDUS IN THE ARMY.

161. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : What was the proportionate strength of the Sikhs, Muhammadans and Hindus in the Army in 1914 and what is the proportionate strength to-day ? What is the proportion of each community to its population ?

Mr. G. R. F. Tottenham : The percentage of Sikhs in the Army in 1914 was approximately 19, that of Muhammadans 40 and that of Hindus (excluding Gurkhas) 30.

The corresponding figures in 1931 were 16, 37 and 32. The percentage of Sikhs in the Army to the whole Sikh population was approximately 1.12 in 1914, that of Muhammadans .16 and that of Hindus .02. The corresponding figures in 1931 were .55, .07 and .02.

Lieut.-Colonel Sir Henry Gidney : Can the Honourable Member now inform the House as to how many Anglo-Indians are there in the Army ?

Mr. G. R. F. Tottenham : I should like notice of that question.

Lieut.-Colonel Sir Henry Gidney : Is the Honourable Member aware of the fact, or is he not aware of the fact, that there are none ?

Mr. G. R. F. Tottenham : I am not aware of that fact.

Lieut.-Colonel Sir Henry Gidney : May I have a reply to my question ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The answer was given.

Lieut.-Colonel Sir Henry Gidney : Is the Honourable Member aware of the fact, or is he not aware of the fact, that there are no Anglo-Indians in the Army.

Mr. G. R. F. Tottenham : I am not aware of that fact.

Mr. Gaya Prasad Singh : Are Government aware of the fact that Anglo-Indians do not make good soldiers ?

Lieut.-Colonel Sir Henry Gidney : May I ask you, Sir, to ask the Honourable Member to withdraw the remarks that he has just made ?

Mr. Gaya Prasad Singh : I have said nothing unparliamentary.

Lieut.-Colonel Sir Henry Gidney : If the Honourable Member would come outside the House and repeat to me what he has said inside I will show him that Anglo-Indians do make good soldiers.

Mr. K. C. Neogy : Is the Honourable Member (Sir Henry Gidney) in a position to assure this House that Anglo-Indians are to be treated on the same footing as Indians for the purpose of entering the Army ?

Lieut.-Colonel Sir Henry Gidney : That question does not arise, Sir. I have protested against Mr. Gaya Prasad Singh's insinuation.

Mr. N. M. Joshi : May I ask what steps Government have taken to prevent the undue preponderance of some communities in the Indian Army ?

(At this stage Lieut.-Colonel Sir Henry Gidney was making some remarks by way of interruption.)

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. Sir Henry Gidney is disturbing the House !

Mr. N. M. Joshi : May I ask what steps Government have taken to prevent the undue preponderance of some communities, in proportion to their population, in the Indian Army ?

Mr. G. R. F. Tottenham : The policy of the Government of India is not to prevent the undue preponderance of one community or another in the Army, but to recruit those whom they consider most fitted for service in the Army, irrespective of the community from which they are drawn.

Mr. N. M. Joshi : Is that policy confined only to the Army or to other services also in the country.

Mr. G. R. F. Tottenham : I do not think that is for me to answer.

Mr. N. M. Joshi : May I ask the Honourable the Home Member or the Honourable the Leader of the House for a reply to my important question ? My question is, whether the policy, that Government should *not* take any steps to prevent the undue preponderance of one community in proportion to its population, is to be adopted only in the Army, or this policy is to be or is not to be adopted in the case of services in the other Departments of the Government ?

The Honourable Sir C. P. Ramaswami Aiyar : The policy of the Government of India with regard to the "services" is contained in various orders and notifications issued by the Government of India. The policy with regard to the Army has been enunciated by the Honourable Member who just now spoke for the Army.

Mr. N. M. Joshi : May I ask whether the policy in the Army Department is different from the policy as regard employment in the other Departments ?

The Honourable Sir C. P. Ramaswami Aiyar : The policy with regard to the services is contained in various pronouncements of the Government of India. It has just been stated that the policy with regard to the Army is to get the best possible recruits for the Army.

Mr. N. M. Joshi : I see a difference between the policy pursued by the Government as regards the Army and as regards all the other Departments. I want to know why this difference is made.

The Honourable Sir C. P. Ramaswami Aiyar : In certain respects, it is obvious that there must be a difference. Further details I am not in a position to give just now, but if the Honourable Member wants further elucidation of the matter, he should put down a question.

Lieut.-Colonel Sir Henry Gidney : Will the Honourable Member inform the House as to whether it is or is not a fact, or that the rank and file of the Indian Army are recruited from special classes called by Government, to suit its own purpose no doubt, the martial classes ? (Hear, hear.)

Mr. G. R. F. Tottenham : No, Sir.

Lieut.-Colonel Sir Henry Gidney : Will the Honourable Member then inform this House, under what classification recruitment of the rank and file of the Army is made ?

Mr. G. R. F. Tottenham : I do not quite understand the Honourable Member's question.

Lieut.-Colonel Sir Henry Gidney : May I explain ? I should like to know under what system recruitment to the rank and file of the Indian Army is made. Is it made from races whom the Army considers to be good soldiers or martial, or what other system is adopted ?

Mr. G. R. F. Tottenham : Recruitment for the Army is made from those classes which the Government of India consider will provide the best soldiers.

Mr. Gaya Prasad Singh : May I know if Eurasians are classed as " martial " or " non-martial " ?

Mr. G. R. F. Tottenham : Government make no such classification into " martial " and " non-martial " classes.

Lieut.-Colonel Sir Henry Gidney : Why don't you (addressing Mr. Gaya Prasad Singh) come outside and ask me this question, I will answer you.

NUMBER OF JUVENILES AND WOMEN CONVICTED IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT.

162. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : (a) Will Government be pleased to state the number of boys between the ages of 10 and 15 and the number of ladies arrested for offences connected with the Civil Disobedience Movement in the year 1930 and also in the year 1932 ?

(b) How many of them have been sentenced to whipping and rigorous imprisonment and how many of them have been sent to Reformatory Institutions ?

(c) How many persons have been prosecuted under sections 108, 109, and 124-A. in the years 1930, 1931 and 1932 ? How many of the persons prosecuted were connected with the political movement ? How many of them were asked to furnish security and how many were sent to jail who refused to furnish the security ?

The Honourable Mr. H. G. Haig : (a) and (b). I lay a statement on the table giving the information in my possession regarding juveniles and women convicted in connection with the two civil disobedience movements. I regret I have no information as to the details asked for in part (b) of the question, except that obviously no women have been whipped.

(c) The information is not in my possession.

Statement showing the number of juveniles and women convicted of offences connected with the Civil Disobedience Movement.

No. of juveniles under 15 years of age imprisoned up to the 30th November, 1930.	No. of women imprisoned up to 15th November, 1930.	No. of juveniles under 16 years of age sentenced to imprisonment substantively or in lieu of payment of fine from the beginning of January up to the 31st July, 1932.	No. of women convicted though not necessarily sentenced to imprisonment from the beginning of January up to the 31st July, 1932.
2,152	359	2,293	2,711

PERSONS DETAINED UNDER REGULATIONS.

163. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : (a) Will Government be pleased to state how many persons were arrested and also are being detained under Regulation III of 1818 and similar Regulations of Bombay during the years 1931 and 1932 ?

(b) What are their names and places of residence ?

(c) Where have they been detained since the time of their arrest ?

(d) What were the reasons for their arrests ?

(e) What allowances have been granted to each of them for food, other necessities and dependants ?

The Honourable Mr. H. G. Haig : (a), (b) and (e). I lay a statement on the table giving the information required.

(c) and (d). I am afraid I cannot undertake to give information on these points.

Statement showing the allowances sanctioned for State Prisoners and their families, sanctioned with effect from date of arrest.

Name.	Date of arrest.	Amount of allowances sanctioned for—		
		Prisoner in jail.	His family and dependants.	Other purposes.
<i>Regulation III of 1818.</i>				
1. Abdul Waris <i>alias</i> Bashir Ahmad.	28-8-30	Rs. 1/6 per diem for diet. Rs. 32 monthly for necessaries. Rs. 60 lump allowance on first admission to jail.	<i>Nil.</i>	
2. Fazal Elahi <i>alias</i> Qurban.	Do.	Do. ..	<i>Nil.</i>	
3. Ghulam Muhammad <i>alias</i> Aziz Hindi.	Do.	Do. ..	Rs. 200 p. m.	
4. Ihsan Elahi ..	9-2-31	Do. ..	<i>Nil.</i>	
5. Harjap Singh ..	14-9-31	Do. ..	Rs. 25 p. m. for his wife.	
6. Karam Singh ..	21-5-31	Do. ..	<i>Nil.</i>	
7. Jiban Lal Chaterji	23-11-31	Rs. 1/4 a day for diet. Rs. 32 monthly.	Rs. 40 p. m.	
8. Surendra Mohan Ghosh.	Do.	Do. ..	Rs. 30 p. m. ..	Rs. 92/3 quarterly premium on insurance policy.
9. Pratul Chandra Ganguli.	Do.	Do. ..	Rs. 50 p. m.	
10. Trailokhya Nath Chakrabartti.	Do.	Do. ..	<i>Nil.</i>	
11. Ramesh Chandra Acharji.	25-11-31	Do. ..	Rs. 55 p. m.	
12. Rabindra Mohan Sen Gupta.	Do.	Do. ..	<i>Nil.</i>	
13. Pratul Chandra Bhattacharji.	23-11-31	Do. ..	<i>Nil.</i>	
14. Benoyendra Roy Roy Chaudhury.	Do.	Do.	Rs. 20 p. m.	
15. Satya Bhusan Gupta	24-11-31	Rs. 1/6 a day for diet. Rs. 32 monthly.	Rs. 50 p. m.	
16. Manoranjan Gupta	Do.	Do. ..	<i>Nil.</i> ..	Rs. 36/7 half yearly premium on insurance policy.
17. Bhupendra Kumar Datta.	Do.	Do. ..	Rs. 20 p. m. ..	Rs. 59/12 quarterly premium on insurance policy.
18. Arun Chandra Guha	Do.	Do.	<i>Nil.</i> ..	Rs. 58/1 quarterly. Rs. 53/5 half-yearly, respectively as premia on two insurance policies.
19. Bhupendra Kishore Rakshit Roy.	2-1-32	Re. -/12/- a day for diet. Rs. 32 monthly.	Rs. 75. p. m.	
20. Rasik Lal Das ..	Do.	Do. ..	<i>Nil.</i>	

Name.	Date of arrest.	Amount of allowance sanctioned for—		
		Prisoner in jail.	His family and dependants.	Other purposes.
21. Jyotish Chandra Ghosh.	1-1-32	Rs. 1/8 a day for diet. Rs. 32 monthly.	Rs. 60 p. m.	.
22. Suresh Chandra Das	2-1-32	Do. ..	Rs. 100 p. m.	Rs. 140/8 half-yearly premium on insurance policy. Rs. 8/4/6 quarterly municipal tax. Rs. 8 annual Union Board tax.
23. Pruna Chandra Das	1-1-32	Do. ..	Rs. 60 p. m.	
24. Bhupati Mazumdar	2-1-32	Do. ..	Rs. 165 p. m. ..	
25. Subash Chandra Bose.	3-1-32	Rs. 3/8 a day for diet. Rs. 32 monthly. Rs. 100 lump sum on first admission to jail.	Nil.	
26. Sarat Chandra Bose	4-2-32	Do. ..	Rs. 1,200 p. m.	Payment until a certain policy acquires surrender value of premia amounting to Rs. 1,334 per annum. Plus Rs. 1,157-13 as a single payment in respect of one other policy.
27. Latindra Mohan Sen Gupta.	20-1-32	Rs. 4/8 a day for diet. Rs. 32 monthly. Rs. 100 lump sum on first admission to jail.	Rs. 1,000 p. m.	Rs. 255 quarterly premium on insurance policy.
28. Abdul Ghaffar Khan.	24-12-31	Rs. 200 p. m., consolidated allowance.	Nil.	
29. Saadullah Khan ..	Do.	Rs. 150 p. m., consolidated allowance.	Nil.	
30. Qazi Attaullah Khan	Do.	Rs. 150 p. m., consolidated allowance.	Rs. 400 p. m.	
31. Dr. Khan Sahib ..	Do.	Rs. 200 p. m., consolidated allowance.	Rs. 500 p. m., plus an additional 200 p. m., during period his son and daughter by his English wife are residing in England for purposes of education.	

Name.	Date of arrest.	Amount of allowance sanctioned for—		
		Prisoner in jail.	His family and dependents.	Other purposes.
<i>Bombay Regulation XXV of 1827.</i>				
32. M. K. Gandhi ..	4-1-32	Rs. 100 p. m., consolidated allowance.	Nil.	
33. Vallabbhai Jhaverbhai Patel.	Do.	Do. ..	Nil.	
<i>Regulation III of 1818.</i>				
34. Bhawani Sahai ..	26-4-32	Re. 0-12-0 a day for diet. Rs. 10 monthly allowance. Rs. 60 lump sum on first admission to jail.	Nil.	

EXPORT OF WHEAT FROM INDIA.

164. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : Will Government be pleased to state the quantity of wheat exported from India in the years 1930 and 1931 ? Has any wheat been imported into India during these years ? If so, what quantity ?

The Honourable Sir C. P. Ramaswami Aiyar : The quantity of wheat exported from India in the calendar years 1930 and 1931 amounted to 193,690 tons and 23,048 tons, respectively. The total imports into the country during these years were respectively 190,999 tons and 245,115 tons.

Dr. Ziauddin Ahmad : Is it not a fact that the import of wheat has practically been stopped since we passed the new Wheat Act ?

The Honourable Sir C. P. Ramaswami Aiyar : There is the Act, of course.

Mr. K. Ahmed : In view of the importance of the question which was discussed at such length at the last Delhi session, may I ask, what interest have the Government of India in the Department of Education, Health and Lands taken for the benefit of the people of this country exporting wheat from this country, considering the fact that Australian wheat is even now sold much cheaper in Calcutta than before ?

The Honourable Sir C. P. Ramaswami Aiyar : I am at a loss to understand, Sir, whether the question was addressed to me or to any other Honourable Member. But if it was addressed to me, may I request my Honourable friend to repeat the question because, I confess, I was not able to hear him.

Mr. K. Ahmed : In view of the fact that the Honourable Member is checkmated whether the question was levelled at him or levelled at some other Honourable Member.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Will the Honourable Member put a definite supplementary question ?

Mr. K. Ahmed : Yes, Sir. Will the Government be pleased to state what steps they have taken up till now after the lapse of eight months ? What benefit have they given to the people of India by giving facilities for transmission of wheat from the province of the Punjab to Calcutta where that wheat is sold ?

The Honourable Sir C. P. Ramaswami Aiyar : An Act has been passed and the working of the Act is being watched.

Mian Muhammad Shah Nawaz : The Honourable Member has not understood the question. He wants to know whether Government are going to reduce the rates from Lahore to Calcutta ?

The Honourable Sir C. P. Ramaswami Aiyar : Various points have been raised with regard to the question of the rate of freight from the Punjab to various parts of India and that question is under consideration.

Mr. K. Ahmed : In view of the fact that the Honourable Member was not able to understand my question, am I not justified to put this question again ? What action have Government taken in order to relieve the situation and give facilities for the sale of Indian wheat in the city of Calcutta which is taken from the Punjab to Howrah by the railway line having regard to the fact that an undertaking was given by the Government of India eight months ago when the Honourable the Commerce Member had not taken over the charge ?

The Honourable Sir C. P. Ramaswami Aiyar : Mr. President, the question of the railway freight between the Punjab and Calcutta has no doubt been raised. The question is connected with the question of steamer freight from Karachi to Calcutta. There are points arising out of these two topics which are under the investigation by the Government of India, namely, whether these railway freights from Karachi to Calcutta ought to be lessened or special facilities given in order to see that wheat goes from the Punjab to Calcutta in a certain way. That is the point which is under examination and no decision has been reached.

Mr. K. Ahmed : In view of the fact that the Government of India have taken the unusual course of delay, do Government propose, for the benefit of the country, to expedite the matter and take the bull by the horns ?

The Honourable Sir C. P. Ramaswami Aiyar : Government do not ignore the valuable remarks of the Honourable Member who has just spoken.

Dr. Ziauddin Ahmad : In considering this question, will Government also bear in mind the freight between Australia and Calcutta ?

The Honourable Sir C. P. Ramaswami Aiyar : That is very incidental.

PERSONS DETAINED UNDER REGULATIONS.

165. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : (a) How many persons are under detention under the Regulation III of 1818 and similar Regulations of Bombay and for how many years have they been so detained ? Do Government propose to review their cases ? If so, when ?

(b) Will Government be pleased to state what facilities have been granted to the State Prisoners referred to above regarding, (i) interviews with their friends and relatives, (ii) newspapers and literature, (iii) writing and receiving of letters, and (iv) walking in the open air ?

The Honourable Mr. H. G. Haig : (a) I would refer the Honourable Member to the statement I laid on the table in reply to his question No. 163. The circumstances of detention of these prisoners are constantly before the Governor General in Council.

(b) I would refer the Honourable Member to the answers given by me to parts (f), (g) & (h) of Mr. Das' question No. 41.

TRANSFER OF DETENUS FROM BENGAL TO DEOLI.

166. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : Will Government kindly state how many detenus have been transferred from Bengal to Deoli in Ajmer ?

The Honourable Mr. H. G. Haig : Ninety-two.

ARRESTS OF SIKHS IN BOMBAY PRESIDENCY FOR WEARING " KIRPANS ".

167. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : (a) Will Government kindly state the number of Sikhs who have been arrested in Bombay Presidency for wearing *kirpan* in the years 1931 and 1932 ? If so, why ? How many are undergoing sentences for wearing *kirpan* ?

(b) Are Government aware that the *kirpan* is exempted from the operation of the Arms Act in the Punjab and also in Bombay ?

(c) Is it a fact that the Bombay Government have placed restrictions on wearing a *kirpan* with blade exceeding nine inches in length ? If so, are Government aware that the Sikhs regard it as interference in their religious observances, if they were asked to discard *kirpans* which they wear in Punjab when entering within the limits of the Bombay Presidency ?

(d) Are the Government of India prepared to move the Bombay Government to abolish this distinction ?

The Honourable Mr. H. G. Haig : (a) I am ascertaining the facts from the Government of Bombay and will lay the information on the table when received.

(b) and (c). In the Punjab there is no restriction on the size of *kirpans*. In certain other provinces, including the Presidency of Bombay, there are restrictions determined in accordance with local conditions.

(d) The answer is in the negative.

Sirdar Harbans Singh Brar : Why should there be restrictions on religious symbols in certain provinces and not in others ?

The Honourable Mr. H. G. Haig : It is open to various Local Governments to make their own rules in regard to the nature of the weapons that may be carried within their own provinces.

Dr. Ziauddin Ahmad : What is this *kirpan* ? I have never seen any Sikh Member of the Assembly wearing it.

(No answer.)

WORKING COMMITTEE OF THE HORSE BREEDING SOCIETY IN SARGODHA.

168. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : Will Government kindly refer to the answer given to question No. 210 of 11th September, 1931, and state how many officials are in the Working Committee of the Society of the Horse Breeding Society in Sargodha ? Who is the President of this Working Committee and who have been Presidents of this Working Committee during the last six years ? Will Government state whether they are prepared to issue instructions to cut off their connection with the Society and allow it to remain a non-official body ?

Mr. G. R. F. Tottenham : In consequence of a resolution passed at a general meeting of the Shahpur Area Horse Breeding Society, the District Remount Officer was specially permitted by His Excellency the Commander-in-Chief to act as President of the Working Committee. The Society is a non-official body and all the remaining 25 members are elected by the Society itself.

Government are not prepared to debar an officer from assisting a non-official body working solely in the general interests of horse-breeders.

HORSE BREEDING IN JHELMUM CANAL COLONIES.

169. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : Will Government kindly refer to the answer given to question No. 202 of 11th September, 1931, and state if it is a fact that the Ziladars issue orders in writing to the Lambardars of the various villages to produce their mares in Horse Show fairs and in races ? Is it a fact that such orders were issued to Ch. Ghulam Nabi of Chak 111 N.B., Ghulam Qadir of 115 N.B., Ghulam Rasul of Chak No. 113 N.B., Jalal Din of Chak No. 114 N.B., Lambardar of Chak No. 120 N.B., Sana-Ullah of Chak No. 121 N.B., Hakam Khan of Chak No. 124 S.B., Gur Tek Singh of Chak No. 117 S.B., Santokh Singh of Chak No. 140 S.B., on 7th March, 1932, by Ziladar of Mangwana Zail ? Will Government kindly lay the copy of this order on the table ?

(b) How do Government reconcile their answer to the above question given on 11th September, 1931, with the orders issued ?

(c) Are Government aware that the District Remount Officer, Sargodha Circle, verbally requested the Deputy Commissioner of Shahpur to compel the Ghori Pals by the use of his influence with them to produce their mares in the races ?

Mr. G. R. F. Tottenham : (a) and (b). There is no record of any such orders, but breeders are strongly advised to show and race selected fillies locally. If the Honourable Member will send me the original orders issued to the breeders mentioned by him, I will examine the matter further.

(c) No.

Mr. B. R. Puri : Was any inquiry made from the Ziladar of Mangwana Zail as to his activities made in the matter ?

Mr. G. R. F. Tottenham : I should like to have a notice of that question.

Mr. B. R. Puri : If I were to supply a photographic copy of the order that he issued to the Lambardars concerned, will that help the Honourable Member to make further investigation in this matter ?

Mr. G. R. F. Tottenham : Yes, Sir.

Mr. B. R. Puri : Would it be of interest to the House if I read that order for the information of the Honourable Member ? Is the Honourable Member aware that an order in the following words was issued. (The order in vernacular was read out.) It purports to be an order issued to various Lambardars to bring their mares on the occasion of a fair. It was issued in the form of an order and the signatures of the Lambardars concerned were obtained in a column provided for the purpose. Is the Honourable Member aware that such an order was issued ?

Mr. G. R. F. Tottenham : No, Sir. As I have said in reply to the question, I have no record of such an order, but I shall be very glad to look into the matter. I am quite prepared to admit that the Ziladar may have exceeded his instructions in the wording of the notification given to the horse breeders and I will have the necessary inquiries made.

Mr. B. R. Puri : Is the Honourable Member aware that it could not be ' a disinterested advice ' which was given to these people because, in that case, there will be no occasion to obtain the signatures of the Lambardars concerned ?

Mr. G. R. F. Tottenham : I do not quite understand the point of that question.

Mr. B. R. Puri : I understood the Honourable Member to say that the Ziladars merely advise the Lambardars to send their mares on occasions of fairs. If that was merely a disinterested advice, why obtain the signatures of these people ? When an advice is issued, why are they required to put down their signatures in token of the fact that such an advice has been communicated to them ?

Mr. G. R. F. Tottenham : As I have said, Sir, I am prepared to admit that the Ziladar may have exceeded his instructions in this matter, and, if that is the case, I am prepared to take such action as may be necessary.

Mr. B. R. Puri : That is why it led me to ask the Honourable Member whether from the Ziladar concerned any inquiry was made and what was his answer to it ?

Mr. G. R. F. Tottenham : I want to have notice of that question.

Mr. B. R. Puri : But everything is put down there in the question. The name is put down there and his conduct is illustrated in the question. I would like to know from the Honourable Member whether any inquiry was made from the delinquent Ziladar whose conduct is the subject-matter of question No. 169.

Mr. G. R. F. Tottenham : I must ask notice of that question.

Mr. B. R. Puri : The notice is there, the facts are there, the numbers and the details are all there already in the question and the man is referred to as the Ziladar of Mangwana Zail. My question is whether any enquiry was made from the man against whom definite allegations are made in the original question ?

Mr. G. R. F. Tottenham : Frankly, I do not know whether any enquiry has been made. That is why I asked for notice of the question.

HORSE BREEDING IN JHELM CANAL COLONIES.

170. **Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : (a) Is it a fact that the Ziladar of the Army Remount Department engaged the services of *Nal-band* for the purpose of shoeing the mares ? Is it also a fact that this Ziladar collects Rs. 1-8-0 per mare after every six months from each Ghori Pal ? If so, are Government aware that a large amount of money is thus collected from the Zamindars by the Ziladar of the Department and a very small portion of the collection is given to the *Nal-band* and the remaining is retained by the Ziladar ?

(b) Are Government aware that those Ghori Pals who refuse to get their mares shod by this *Nal-band* are looked upon with disfavour by the District Remount Officer ?

Mr. G. R. F. Tottenham : (a) The Honourable Member appears to have been misinformed. *Nal-bands* are maintained in each horse breeding Zail of the Area to attend to the feet of the stock, and are engaged entirely under arrangements made by the horse-breeders themselves. The usual charge is Rs. 2 per mare per annum and is paid direct to the *nal-band*. The Ziladar has nothing to do with the collection of this fee, but he often advises a *nal-band* in regard to the correct treatment of the feet of the stock.

(b) No, Sir. The District Remount Officer certainly does insist on the proper treatment of the feet of all stock, but he does not stipulate how and by whom this treatment should be carried out.

Mr. B. R. Puri : Do I understand from the Honourable Member that the particular Ziladar has got no concern with the collection of dues for payment to *nal-bands* ?

Mr. G. R. F. Tottenham : Yes, that is the position.

Mr. B. R. Puri : May I ask the Honourable Member whether any enquiry was made from the Ziladar of Mangwana Zail ?

Mr. G. R. F. Tottenham : No, Sir.

Mr. B. R. Puri : Is the Honourable Member aware that on the 1st of November, 1931, this Ziladar of Mangwana had actually issued orders to the Lambardars to bring their mares as well as their dues for payments to the *nal-band* ?

Mr. G. R. F. Tottenham : No, Sir, I have no information about that.

HORSE BREEDING IN JHELM CANAL COLONIES.

171. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : (a) Will Government kindly give the total number of colts and fillies offered for sale to Government on the occasions of the Annual Inspection of the District Army Remount Officer in 1931 and 1932 ? How many were actually purchased and how many rejected ?

(b) How many such colts and fillies were offered for sale on the occasion of the quarterly purchase tour in March-April, 1932 and how many were actually purchased by Government ?

(c) Is it a fact that Government purchase a limited number of colts and fillies every year ? Is it also a fact that the limit of the number required is sent to the District Remount Officer beforehand ? Is it also a

fact that more colts and fillies are offered for sale than are required by the Department and thus a large number of them have to be rejected not on account of the quality but because Government do not require more ? Is it also a fact that the Department does not write in the certificate of such colts and fillies that Government do not require to purchase them ? Is it also a fact that non-entry in the certificate prejudices the conditions of the Ghori Pals ?

Mr. G. R. F. Tottenham : (a) During 1931-32, the number of young stock was 1,411. Of these, 445 were purchased as remounts. 423 fillies were accepted as replacements of brood mares and 543 young stock were rejected.

(b) 274 young stock were seen by the District Remount Officer during his tour in March, 1932. Of these, 110 were purchased, 59 fillies were accepted as replacements and 105 were rejected.

(c) No, Sir. Young stock which is suitable for purchase by Government is never rejected ; it is the aim of Government to buy as many young stock as possible.

Before the purchasing season, an estimate is made of the number of young stock which will be suitable for purchase by Government and funds are allotted accordingly. Extra funds are supplied if the District Remount Officer finds that there are more animals suitable for purchase than the number estimated at the beginning. The suggestion made in the last two parts of this question is therefore unnecessary.

HORSE BREEDING IN JHELM CANAL COLONIES.

172. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : Will Government kindly give the percentage result of the coverage for each year for the last three years ?

Mr. G. R. F. Tottenham :	1929-30	..	..	43.65
	1930-31	..	..	42.21
	1931-32	..	..	42.24

HORSE BREEDING IN JHELM CANAL COLONIES.

173. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : Will Government kindly refer to the answer to question No. 196 of the 11th September, 1931 (regarding horse-breeding in the Jhelum Canal Colonies) and state when the information desired in part (c) of that question will be available ? Is it a fact that office keeps regular records ?

Mr. G. R. F. Tottenham : As stated by Mr. Young, in reply to the question quoted, the full information desired is not available. Regular records are of course kept, but they are destroyed after a reasonable time.

HORSE BREEDING IN JHELM CANAL COLONIES.

174. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : Is it a fact that the Remount Officer, Sargodha Circle, does not record any reason when he discharges any mare which he considers unfit for foaling ?

Mr. G. R. F. Tottenham : No, Sir. The District Remount Officer always records the reasons for branding out any mare and the owner is informed accordingly.

EMPLOYEES OF ARMY REMOUNT DEPARTMENT, SARGODHA CIRCLE.

175. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : Will Government kindly refer to the answer to question No. 217 of the 11th September, 1931, and state whether the residence of the employees of the Army Remount Department is not recorded in the character roll of each employee? If so, will Government kindly collect the information required in part (b) of that question and inform the House as to the number of employees belonging to Shahpur District getting more than Rs. 20 a month? How many of them belong to each community Hindu, Muslim and Sikh?

Mr. G. R. F. Tottenham : The places of residence of employees of the Army Remount Department are recorded in the service books.

There are 35 Muslim, 6 Hindu and 4 Sikh employees drawing more than Rs. 20 a month. 13 of those employees belong to the Shahpur District.

HORSE BREEDING IN JHELM CANAL COLONIES.

176. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : Will Government kindly refer to the answer to question No. 215 of the 11th September, 1931, and state if the total cost, Rs. 1,000 for a young horse, includes the overhead charges, if any? Will Government kindly state what is the average overhead charges for a young horse?

Mr. G. R. F. Tottenham : The correct assessment of overhead charges is always a difficult matter. The figure of Rs. 1,000 included Rs. 225 for the purchase price and Rs. 775 for feed and keep for about 3 years, including overhead charges such as pay of officers, maintenance of buildings, etc.

CONDITIONS FOR HORSE BREEDING IN THE SARGODHA CIRCLE.

177. ***Mr. S. C. Mitra** (on behalf of Sardar Sant Singh) : Will Government kindly lay on the table the information promised to questions No. 1270, 1271, 1272 on the 13th November, 1931, regarding horse breeding and horse breeders in Sargodha Circle?

Mr. G. R. F. Tottenham : The answers to the three questions were communicated to the Honourable Member in Mr. Young's letter of the 11th December, 1931. A copy of this letter has already been placed in the Library and is now laid on the table.

Copy of letter No. 196-Y., dated the 11th December, 1931, from Mr. G. M. Young, C.I.E., to Sardar Sant Singh.

Would you kindly refer to the reply I gave on the 12th November to your starred questions Nos. 1270, 1271 and 1272. The answers to the questions are as follows :
No. 1270.

(a) Yes.

(b) No.

(c) There is no rule or instruction in the Shahpur Horse Breeding Area under which breeders must receive a "permission to sell" seal before disposing of young stock over 18 months old.

I understand that in some cases breeders whose young stock have been rejected have requested the District Remount Officer for permission to show them again at a later date. In cases where such young stock has

been produced for inspection when over 18 months old and has again been rejected, the District Remount Officer has affixed a "permission to sell" seal.

- (d) The Government of India understand that there are no rules on the points mentioned in the preceding part of the question, but merely executive instructions which the local Government have issued for the guidance of officers, and which they do not wish to be published. The Government of India are therefore not prepared to lay a copy on the table.
- (e) No, except when young stock are not purchased in consequence of neglect on the part of breeders.

No. 1271.

No grantee is reported for keeping a mare incapable of bearing foals fit for the Army.

When a mare becomes old and worn out or barren from veterinary reason, she is branded out and the grantee is given three months' notice to produce another suitable mare. Failure of the grantee to comply with this condition necessitates a report to the civil authorities.

When a mare is starved and thus ruined by a grantee, a report is made to the Deputy Commissioner.

No. 1272.

- (a) A report on the bad horse breeding record of this Chak was sent to the Deputy Commissioner on the 17th July, 1931. Notice of the first set of your questions on horse-breeding was received in the Army Department on the 31st of July.
- (b) No complaints of this nature have been brought to notice.
- (c) No. He was reported for having failed to fulfil the conditions attached to his grant. He was ordered on the 7th January, 1931 to produce a mare within three months, but failed to do so up to 17th July, 1931, the date on which the report was made.
- (d) No.
- (e) No action is necessary.

2. In a supplementary question you asked whether the replies to your questions could be laid on the table of Legislative Assembly. I will lay on the table in due course the reply to question No. 1271 and a copy of this letter will be placed in the Library.

ASSISTANCE TOWARDS THE EDUCATION OF CHILDREN OF THE EMPLOYEES OF THE EAST INDIAN RAILWAY.

178. *Kunwar Raghbir Singh : (a) Are Government aware that old East Indian Railway employees will get no assistance towards the education of their children unless they are brought under the new rules ?

(b) Does this condition apply to Europeans and Anglo-Indians ? If not, why not ?

Mr. P. R. Rau : (a) Under the old East Indian Railway Company Rules no direct assistance from railway funds was given to employees, and it is only if they exercise the option of electing for the new rules that they will be entitled to the assistance proposed under the new rules.

(b) The rule does apply to Europeans and Anglo-Indians, but as under the old East Indian Railway Company rules, though no direct assistance was given to employees in general, indirect assistance was given to European and Anglo-Indian employees in the form of reduced fees for their children reading in the Oakgrove School ; such employees who elect to remain under the old rules will continue to get this benefit.

Mr. Gaya Prasad Singh : May I know why this discrimination in favour of Anglo-Indians and Eurasians is being maintained ?

Mr. P. R. Rau : It has not been maintained in the new rules. But only the employees who were entitled to certain concessions under the old rules will continue to receive those concessions if they exercise the option of remaining under the old rules.

Mr. Gaya Prasad Singh : May I ask the Honourable Member if there was racial discrimination under the old rules between Anglo-Indians and Eurasians on the one hand and Indians on the other in respect of this matter ?

Mr. P. R. Rau : I have just now explained that no direct assistance was given to employees in general, but indirect assistance was given to Europeans and Anglo-Indians.

Mr. Lalchand Navalrai : Why was that distinction not removed now ?

Mr. P. R. Rau : I have already explained that the distinction has been removed under the new rules. It is not the policy of Government to withdraw from the existing employees any concessions that they were previously entitled to.

Dr. Ziauddin Ahmad : Is this policy of continuing the old privileges a uniform policy or is it only in the matter of education ?

Mr. P. R. Rau : It is the general policy of Government to give their existing employees the option to remain under the existing rules when new rules are introduced.

PASSES ALLOWED TO RAILWAY EMPLOYEES.

179. ***Kunwar Raghbir Singh :** What is the monthly ratio of passes allowed to superior and subordinate railway employees, European and Anglo-Indian, as opposed to Indians ?

Mr. P. R. Rau : The information is not available and will involve too much labour to collect. I should add that so far as I am aware the pass rules of railways do not make any distinction between European, Anglo-Indian and Indian employees as such.

SEATS FOR LANDHOLDERS IN PROVINCIAL AND CENTRAL LEGISLATURES.

180. ***Nawab Naharsingji Ishwarsingji :** Are Government aware that the Lothian Franchise Committee have not thought it expedient to increase proportionately the number of seats for the land-holders class in the Provincial and Central Legislatures ?

The Honourable Sir C. P. Ramaswami Aiyar : Government are aware of the recommendations in paragraphs 333 and 426 of the report of the Franchise Committee that the special representation now given to land-holders should not be proportionately increased in the future provincial councils and in the Assembly.

Mr. N. M. Joshi : Are Government aware that the landholders are all enjoying much larger representation in the legislatures than their proportion warrant ?

The Honourable Sir C. P. Ramaswami Aiyar : Opinion is not uniform on that point.

Nawab Naharsingji Ishwarsingji : Will Government be pleased to state whether the decision of the Lothian Committee was based either on the recommendation of the Government of Bombay or Government of India ?

The Honourable Sir C. P. Ramaswami Aiyar : The Lothian Committee based their decisions on their investigations.

Dr. Ziauddin Ahmad : Are Government aware that non-landholders have got a majority of votes and unless the interests of landholders are protected, it will be very difficult for them to get seats in future legislatures ?

The Honourable Sir C. P. Ramaswami Aiyar : Advocates of that view will put forward their representations on the proper occasion and at the proper time.

HOLIDAY CONCESSIONS ON THE JODHPUR RAILWAY.

181. *Nawab Naharsingji Ishwarsingji : Are Government aware that the Jodhpur Railway Company gives no concession during any holiday ? If so, do Government propose to take any action in the matter ?

Mr. P. R. Rau : The matter is entirely within their discretion, but I am informed that concessions are granted by the Jodhpur Railway during certain holidays.

CONSTRUCTION OF A BRIDGE OVER NARBADA RIVER NEAR BROACH BY THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

182. *Nawab Naharsingji Ishwarsingji : Are Government aware that the Bombay, Baroda and Central India Railway Company are going to construct a new bridge on the river Narbada near Broach ? If so, will Government state whether the question of purchasing the old bridge for the provincial road is settled or not ? Is it a fact that the Road Committee had decided the question favourably at its session held at Simla last year ?

The Honourable Sir Frank Noyce : Government are aware that the Railway Company are about to construct a new bridge over the Narbada at Broach, the work upon which will probably be commenced during the coming cold weather. They are also aware that the question of the purchase of the old bridge by the Bombay Government for conversion into a road bridge has been under the consideration of that Government. The Local Government recently applied to the Government of India for a special grant from the reserve with the Government of India in the road development account towards the purchase of the old Railway bridge. This request was considered by the Standing Committee on Roads at their meeting held on the 3rd October, 1931, and the Committee recommended that the project might be approved on condition that no payment should be made in regard to it until the bridge was actually handed over by the Bombay, Baroda and Central India Railway to the Bombay Government. As the present road development account will terminate in March, 1934, and as the old bridge will not be available for purchase by the Local Government for some three or four years after the construction of the new bridge has been commenced, the expenditure cannot fall within the period during which the present road development account will be in

force and pending a decision as to the future arrangements with respect to this account the Government of India are unable to offer any contribution from their reserve.

NUMBER OF PERMANENT EMPLOYEES OF THE SECURITY PRINTING, INDIA, CURRENCY NOTE PRESS AND CENTRAL STAMP STORES AT NASIK.

183. *Nawab Naharsingji Ishwarsingji : Will Government be pleased to state :

- (a) the total number of permanent men (pensionable, non-pensionable and on contract) working in the Security Printing, India, Currency Note Press and Central Stamp Stores at Nasik Road, *excluding* pattawalas and the Watch and Ward Department giving the following details about all the Government servants referred to above individually;—(1) Name, (2) Designation, (3) Grade with present pay, (4) Educational qualifications where necessary, and (5) Caste to which he belongs, if a Hindu, giving his sub-caste, *i.e.*, Brahmin, Bania, *etc.*?
- (b) whether it is a fact, that there are only five permanent Muslims in all the three concerns referred to in part (a) above ; and
- (c) the total number of Muslims and non-Muslims drawing a salary of Rs. 100 per mensem and above ?

The Honourable Sir Alan Parsons : I shall answer questions Nos. 183, 184 and 213 together.

The attention of the Honourable Member is invited to replies given to identical questions asked by Mr. Maswood Ahmad on his behalf on the 10th February, last.

TECHNICAL APPRENTICES IN THE SECURITY PRINTING, INDIA, AND CURRENCY NOTE PRESS AT NASIK.

†184. *Nawab Naharsingji Ishwarsingji : Will Government be pleased to state :

- (a) the number of apprentices selected on the technical side in the Security Printing, India, and Currency Note Press in different grades giving their caste and qualifications ;
- (b) of these, how many were provided with permanent jobs and how many were sent away either duly trained or retrenched without completion of their course and the reasons for the latter ;
- (c) whether it is a fact that two Muslim apprentices with previous experience in printing in England were engaged ;
- (d) whether they were promised to be provided with some permanent jobs by the Master, Security Printing, India, before appointment ;
- (e) whether it is a fact that : (i) one of them was ill-treated by his Anglo-Indian and European Superiors, and (ii) subse-

†For answer to this question, see answer to question No. 183.

quently he was sent away on account of reduction of establishment ;

- (f) what the total strength of apprentices was when one Muslim apprentice was sent away, and the reasons for so doing ;
- (g) whether there are any permanent vacancies on the technical side ; and
- (h) if so, the reasons for not appointing Muslims in any of them ?

GOVERNMENT POLICY ON IMPERIAL PREFERENCE.

185. ***Mr. Muhammad Azhar Ali :** (a) Was any letter addressed by the Secretary, Indian Chamber of Commerce, Calcutta, to the Secretary, Government of India, Commerce Department, in or about April, 1932, on Imperial Preference, in reply to the Government of India's letter No. 752/T. (4), dated the 6th April, 1932 ? If so, has the Government brought to the notice of the Delegation to the Ottawa Conference the views expressed in the letter of the Indian Chamber of Commerce opposing their Imperial Preference policy ? If not, why not ?

(b) Has the Tariff Board given any decision or opinion as to the rate of protection to be afforded to the United Kingdom as regards its manufactured goods ?

(c) Is it a fact that the Government of India have already decided to work on Preferential Regime, so far as the United Kingdom is concerned ?

(d) Are the questions of protection to the cotton textile industry and the rate of protection to the United Kingdom against other countries, to be placed before the Legislative Assembly in its Simla Session of 1932 ? If not, why not ?

The Honourable Sir C. P. Ramaswami Aiyar : (a) Yes, and a copy

12 NOON.

was supplied to the Indian Delegation to the Imperial Economic Conference at Ottawa along with copies of the replies to the same letter received from other Chambers of Commerce and Commercial Associations in India.

(b) The question of protection to goods manufactured in the United Kingdom has not been referred to the Tariff Board.

(c) The attention of the Honourable Member is invited to the statement made by Sir George Rainy in this House on the 4th April, 1932, regarding the participation of India in the Imperial Economic Conference at Ottawa and the Press Communiqué issued by the Government of India on the 20th August, 1932, giving the main features of the Trade Agreement reached at Ottawa between His Majesty's Government in the United Kingdom and the Government of India.

(d) The Honourable Member presumably has in mind the enquiry into the general question of protection to the Indian Cotton Textile Industry which was committed to the Tariff Board in April last. The Board has not yet completed this enquiry. As I have already indicated, no question arises of protection to the United Kingdom against other countries.

STATEMENTS LAID ON THE TABLE.

Mr. T. Ryan (Director-General of Posts and Telegraphs) : Sir, I lay on the table the information promised in reply to starred question No. 820 asked by Mr. D. K. Lahiri Chaudhury on the 23rd September, 1931, and questions Nos. 1075—77 asked by Mr. Uppi Saheb Bahadur on the 30th March, 1932.

QUARTERS OF THE DEPUTY PRESIDENCY POST MASTER IN THE " ARCADE BUILDING ".

820. (a) Yes.

(b) Yes, he was exempted on the grounds that the quarters were not adapted to the needs of an Indian Officer living in the orthodox style.

(c) Yes.

(d) Yes, because he did not actually occupy the quarters for reasons given in (b).

(e) In the Division in question there are three officials, *vis.*, two postmen and one telegraph messenger, who are not occupying Government quarters allotted to them.

(f) and (g). In two of the cases referred to the quarters are not being occupied not on the grounds of unsuitability, but because the officials in question prefer to live in their own houses in the neighbourhood. According to the rules rent is payable in such cases and is therefore being recovered. In the third case it has been decided that as the quarter has not been occupied on the ground of unsuitability, no rent should be recovered in respect of it.

OVERTIME ALLOWANCE PAID FOR SORTING ENGLISH MAIL.

1075. (a) Yes.

(b) There has been no reduction in the rate of overtime allowance, but as the result of revised arrangements introduced in the Calcutta G. P. O., the duty of attendance on alternate Sundays has been distributed over the entire staff as far as possible, and the payment of overtime for work relating to foreign mails has been restricted to a limited staff of the Delivery Department who are required to work on all Sundays. Certain staff drafted as auxiliaries on alternate Sundays from other Departments in which all Sundays are observed as holidays, are required to work in connection with inward foreign mails for only 4 hours and are not paid for overtime, seeing that officials attending office on alternate Sundays in connection with other duties have to work for a longer period and without such payment.

(c) Yes.

(d) Does not arise.

OVERTIME ALLOWANCE PAID FOR SORTING ENGLISH MAIL.

1076. (a) and (b). Yes.

(c) The grant of the concession depends on the exigencies of the service.

OVERTIME ALLOWANCE PAID FOR SORTING ENGLISH MAIL.

1077. (a) No. The payment for overtime work in connection with the sorting of the Foreign Mail is now confined, outside Calcutta, to the Bombay, Karachi and Madras Post Offices. In these places the system followed in Calcutta of disposing of this work with the help of auxiliaries without payment of overtime has not yet been adopted, but the Heads of Circles concerned are being consulted as to whether it is not practicable to follow it.

(b) Does not arise.

The Honourable Sir C. P. Ramaswami Aiyar (Member for Commerce and Railways) : Sir, I lay on the table the information promised in reply to starred question No. 1039 asked by Mr. J. K. Munshi on the 29th March, 1932.

RACIAL DISCRIMINATION BY THE BRITISH INDIA STEAM NAVIGATION COMPANY IN DISEMBARKING PASSENGERS.

1039. An enquiry on the subject was made from Messrs. Mackinnon Mackenzie and Company, Managing Agents of the British India Steam Navigation Company, and the Company reported that the only passengers to whom Debarkation Passes were not issued were non-Asiatic first class passengers, but that from April last Debarkation Passes are being issued to these passengers also.

Mr. P. R. Rau (Financial Commissioner, Railways) : Sir, I lay on the table :

- (i) the information promised in reply to part (c) of unstarred question No. 232 asked by Lala Rameshwar Prasad Bagla on the 23rd March, 1932 ;
- (ii) the information promised in reply to starred questions Nos. 1102, 1103, 1104, 1105 and 1106 asked by Mr. Bhuput Sing on the 1st April, 1932 ;
- (iii) the information promised in reply to unstarred question No. 222 asked by Lala Rameshwar Prasad Bagla on the 23rd March, 1932 ;
- (iv) the information promised in reply to starred question No. 909 asked by Mr. S. C. Mitra on the 23rd March, 1932 ;
- (v) the information promised in reply to unstarred question No. 228 asked by Lala Rameshwar Prasad Bagla on the 23rd March, 1932 ;
- (vi) the information promised in reply to unstarred question No. 229 asked by Lala Rameshwar Prasad Bagla on the 23rd March, 1932 ; and
- (vii) the information promised in reply to unstarred question No. 230 asked by Lala Rameshwar Prasad Bagla on the 23rd March, 1932.

RETRENCHMENT OF OFFICERS AND WORKMEN ON THE NORTH WESTERN RAILWAY.

232. Part (c).—(i) One post of Junior Assistant Fuel (Assistant Rolling Stock Officer, Headquarters Office) has been held in abeyance since 1st December, 1931.

(ii) Posts of Locomotive Foremen Grade II (500—25—550) of Ferozepore and Karachi Sheds have been reduced to Grade I (425—25—475) temporarily.

(iii) Posts of Locomotive Foremen Grade I (425—25—475) of Shakurbasti, Dalbandin and Multan Sheds were reduced to those of Shedmen.

(iv) There has been no change in the cadre of Assistant Shed Foremen and Mechanical Boiler Inspectors.

(v) One post of Loco. Inspector, Grade I (425—25—550) on Delhi Division has been held in abeyance.

(vi) One post of Trial Inspector, Grade II (575—25—650), Headquarters Office, has been temporarily reduced to Grade I.

(vii) One post of Boiler Maker Chargeman (185—15—350) on the Karachi Division has been abolished.

(viii) One post of Pump Inspector (185—15—350) on the Ferozepore Division has been abolished.

(ix) One post of Fitter-in-Charge (185—15—350) on the Karachi Division has been abolished.

(x) Two posts of Gas Chargemen (185—15—350) on Karachi Division have been abolished due to closing down of Gas Factory.

GRIEVANCES OF RAILWAY STAFF OF THE HOWRAH GOODS SHED.

1102. Starred question No. 406 of 17th February, 1932 consisted of three parts the replies to which are given below :—

- (a) No. Increases were ordered to be withheld until the men passed the Goods and Coaching examinations but these orders were subsequently modified by the Divisional Superintendent who issued instructions that all increases due to staff up to date should be paid.
- (b) Each man of the Howrah Goods Shed (Outward) was placed on compulsory absence from duty on half pay for 15 days in 1931.
- (c) Payment of Sunday allowance has not been stopped to those men who were in receipt of it prior to 1st January, 1925 and who are entitled to it under the East Indian Railway Company's rules. Staff who joined the service subsequent to 31st December, 1924 are not eligible for this allowance.

STAFF OF THE HOWRAH GOODS SHED COMPELLED TO GO ON LEAVE ON HALF PAY.

1103. (a) Yes.

(b) This was done with the approval of the Government.

RAILWAY PASSES GRANTED TO STAFF OF THE HOWRAH GOODS SHED COMPELLED TO GO ON LEAVE ON HALF PAY.

1104. (a) Fifteen second class passes were issued to the staff of the Howrah Goods Shed (Outward) who were placed on half pay.

(b) The railway did not, by the issue of these passes, lose any revenue or incur any expenditure.

ALLOWANCES OF THE STAFF OF THE HOWRAH GOODS SHED.

1105. (a) Please see part (c) of the reply to question No. 1102.

(b) No.

(c) Does not arise.

ALLEGED RACIAL DISCRIMINATION IN THE PUNISHMENTS IN THE HOWRAH GOODS SHED.

1106. (a) No.

(b) Mr. Biswas was dismissed for taking bribes.

(c) Does not arise.

APPOINTMENT OF JANITOR, HEADQUARTERS OFFICE, NORTH WESTERN RAILWAY.

222. The post of Janitor in the North Western Railway Headquarters office is not reserved for Europeans and Anglo-Indians only. The last selection, in 1928, was

made by a Selection Board which considered candidates from among the staff already in service nominated by Divisional Superintendents and certain outsiders. Of the total number of 25 applications considered by the Board one was from an Indian, the remaining 24 being from Europeans and Anglo-Indians. As the post is generally filled by selection of employees already in service, applications for the same were not advertised for.

SUB-LETTING OF A RAILWAY BUNGALOW IN RAWALPINDI.

909. (a), (b) and (c). Yes.

(d) Mr. Raynor was permitted to make private arrangements to accommodate two military officers in the accommodation not required by him on the clear understanding that these officers would vacate the premises in the event of their being required for any other railway officer.

(e) The action taken by the Divisional Superintendent has been approved by the Agent as fully safeguarding the interests of the railway. The question of disciplinary action does not therefore arise.

QUALIFICATIONS OF LADY STENOGRAPHERS AND TYPISTS ON THE NORTH WESTERN RAILWAY.

228. From 1924 onwards the minimum educational qualification required for clerical appointments on the North Western Railway has been a matriculation certificate of the first or second division. Third division matriculates as well as non-matriculates were, however, occasionally engaged as typists up to February, 1931. From March, 1931, the minimum educational qualification required for clerical posts has been enforced in the case of male typists also in order that they may have the opportunity for transfer to and advancement in the clerical grades of office establishment.

As lady typists do not look for transfer to or advancement in the clerical grades, it is considered sufficient for them to pass a test in their capabilities as typists. The Agent of the North Western Railway reports that the discrimination is not racial.

PAY OF LADY TYPISTS ON THE NORTH WESTERN RAILWAY.

229. The reply to the first part is in the affirmative. Lady typists are not attracted by pay less than the scale of Grade II, Rs. 68—95 owing to the fact that they have no prospects of further advancement in the service. Male typists can be obtained at a lower rate of starting pay as they have prospects of further advancement and, as it is considered by the North Western Railway administration desirable to have a few lady typists in employment, no change in their scale of pay is at present contemplated.

PROMOTION OF TYPISTS ON THE NORTH WESTERN RAILWAY.

230. (a) As the educational standard fixed for office clerks is matriculation first or second division, third division matric or non-matric typists are not eligible for transfer as office clerks.

(b) It is presumed that "higher grade" instead of "lower grade" is meant. The number of posts in each grade is distributed according to the requirements of the work and promotion from grade to grade is dependent on vacancies in the higher grade.

(c) Since 1924, third division matriculates or non-matriculates have not been eligible for employment in clerical posts, but those admitted to such posts before that date have continued to receive advancement earned by good service.

(d) The restriction regarding selection for clerical posts being confined to first and second division matriculates was introduced with a view to improve the quality of the establishment and it is not proposed to alter it or remove it.

(e) The Agent of the North-Western Railway reports that the number of grades in the copying branch of the Headquarters office is appropriate to the work in that branch and it is, therefore, not proposed to increase this number.

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House): Sir, before any other business of the day is taken up, may I request that you should ascertain the feeling of the House about allowing the House to come back after the Lunch adjournment at about a quarter past Three? The reason is that there is a very important business in which the Members of Government are concerned and that business has to be transacted during Lunch time, and we do not wish to be guilty of any discourtesy towards this House. So if it is convenient to the House to meet at 3-15, we will reassemble at that time.

(The House agreed.)

Mr. President (The Honourable Sir Ibrahim Rahimtoola): As the House agrees to that arrangement the Chair will adjourn after Lunch to a Quarter Past Three.

ALLOTMENT OF A DAY FOR DISCUSSING THE FUTURE CONSTITUTIONAL PROGRAMME.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadian): Sir, may I ask the Honourable the Leader of the House a question with reference to what I, Mr. Morgan and Sir Abdur Rahim asked him the other day with regard to giving us a date for the purpose of discussing the future constitutional programme and procedure, during this Session? Sir Abdur Rahim has authorised me to say that he associates with me in this matter.

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House): Sir, the Honourable the Leader of the Opposition wrote to me on that matter and I now gather that the Honourable the Leader of the Independent Party and Mr. Morgan are also anxious that a day should be given for the discussion of what is called the constitutional issue. I may say at once that it would conduce to convenience if the matter is crystallised in the form of some Resolution so that we may know exactly what the point is that is sought to be raised and elucidated. Provided that be done, Government are only too anxious to comply with the desires of the Opposition. What that day would be and how it can be fitted in into the programme, will be decided in consultation with you, Mr. President, and the Leaders of the various Parties.

Sir Hari Singh Gour: In reply to what has fallen from the Honourable the Leader of the House, it is our intention to crystallise and focus the specific issue upon which we wish to carry on the debate but that will be done as soon as the Honourable the Leader of the House announces a date.

The Honourable Sir C. P. Ramaswami Aiyar: The position is that Government are willing and indeed anxious that a day should be given for a discussion of the points mentioned by the Honourable Member. But this is not connected with the question of the actual date. What we should like to have is a Resolution, and having got a Resolution we should, subject to what you might say, Mr. President, and to the Government business and all other relevant considerations, have a discussion with the Leaders of Parties and find out a date.

STATEMENT LAID ON THE TABLE.

SUICIDE COMMITTED BY MRINAL KANTI ROY CHAUDHURY, A DETENU IN THE DEOLI DETENTION CAMP.

The Honourable Mr. H. G. Haig (Home Member) : Sir, I lay on the table the Magistrate's order on the detenu's suicide at Deoli promised in reply to Mr. Neogy's supplementary question on the 6th September last.

Finding.

The deceased, Mrinal Kanta, was a detenu in Deoli Jail. He arrived there on the night of the 28/29th May, 1932. Previously he had been in Hijli Detention Camp and Presidency Jail, Calcutta, and was suffering from incipient T. B. He appeared moody and silent and kept apart from his companions. Mrinal Kanta was examined by the Jail M. O., Sub-Assistant Surgeon Md. Ali, and on his recommendation and that of his fellow detenus, he was segregated in a separate room on the 1st June. He did not receive any special diet, but was attended daily by the Jail M. O. On the morning of the 4th June he stated to the Superintendent that he wished to be taken outside the Jail, as he was worried and could not sleep owing to the suspicions of his fellow detenus that he was a police agent or spy. Mrinal Kanta stated he feared harm at their hands. He begged to be placed in a separate place as he wished to confess. The Superintendent pointed out to him that if he was once taken out of the jail, his companions would believe that he had confessed whether he did or did not and his return would be inadvisable. But Mrinal Kanta insisted on being removed out of the influence of his fellow detenus. He also complained of sleeplessness, constipation and dizziness. The Superintendent accordingly removed him from the jail and placed him in the only separate accommodation available, namely the cells. Mrinal Kanta was attended to by the M. O. and given medicine and a sleeping draught. He appeared happier when once outside the Inner Enclosure and away from his fellow detenus. He requested that he should be sent to a Bengal Jail, and not to his home, as he feared that he would be murdered. He was regularly visited and attended to by the Jail authorities and appeared better on the morning of the 5th June. At 2 p.m. the M. O. found him normal and at 3-30 p.m. the Head Constable, Gulab Singh, found him eating a lemon and removed the remainder of his food. That morning he had again petitioned not to be sent back to the jail and was assured by the Superintendent that he would not be sent back for the present.

In my opinion the reason that he was taken outside the jail and placed in a separate cell, was that he was in fear of his companions. There is no evidence of misconduct on his part necessitating removal to a cell. For mere health purposes he was already segregated.

The deceased was last seen alive at about 3-30 p.m. on the 5th June by Head Constable Gulab Singh. The last evidence of his being alive was about 4-10 p.m. when the sentry, Anand Singh, stated the deceased called out for some water to be put on his "Cus Cus" matting, which was done by the sentry. The first evidence of the tragedy was about 4-30 p.m. when the sentry Anand Singh, looked inside the cell, and saw the deceased hanging from a rope. The sentry states that the body was slightly moving on the rope. When at about the same time, the Head Constable, Gulab Singh, looked in, the body was still. On his way to report he met Subedar Jewar Singh, who was going to the deceased with a note from the Superintendent. The Subedar also looked in, and found the body still. The Subedar informed the Superintendent and M. O. who were in the vicinity. Owing to the nearness of the cells to the office the time, from which the sentry saw the body until the Superintendent opened the door, was probably quite a short time, but the exact length of time cannot be ascertained. The Superintendent states that he sent the Subedar with the note at about 4-20 p.m. and that the Subedar came back in about 5 minutes. None of the other witnesses noted the time as exactly so I consider that the tragedy occurred between about 4-10 p.m. and 4-25 p.m. on the 5th June, 1932. The Superintendent at once cut down the body with a knife found in the cell, as he found the body still warm and hoped to resuscitate the deceased. But all was in vain as the Doctor, Mod. Ali, found no pulse.

The deceased had been much worried with his troubles, and was apprehensive of returning to the jail and his companions. He was apparently easier in mind while in a separate cell, but his desire not to be sent back to the jail undoubtedly preyed

on his mind. I consider he was normal in mind when seen by the Doctor at about 2 P.M. and the Head Constable Gulab Singh at about 3-30 P.M.

From the Post Mortem reported from what I saw when I viewed the body, I am satisfied that the deceased bore no signs of external injury beyond the mark round his neck and had not received bodily maltreatment. It also appears from the Post Mortem Report that the T. B. was healed.

From the evidence taken the Post Mortem Report, and what I have myself carefully observed and noted, I have no doubt whatever that the deceased, Mrinal Kanta, did, between the hours of about 4-10 P.M. and about 4-25 P.M. on the 5th June, 1932, cut a piece of rope, which was attached to the canvas of his deck chair, with a knife in his possession, and with the aid of his cot, and a table placed on it, did tie the same piece of rope round his neck and also to the second bar, from the right, of the ventilator of his cell, and did then jump off the table and thus commit suicide by fracture of the spinal column of the neck, by hanging himself with the said rope, while in a temporary unsound state of mind.

Therefore I give a finding of suicide by fracture of the spinal column of the neck by hanging with a rope, while in a temporary unsound mind.

I would add that I consider that the jail authorities did all in their power to alleviate the condition of the deceased at all times, and that I consider the chief cause of his act was apprehension of his bodily safety at the hands of his fellow detenus, if sent back to live amongst them in the jail.

(Sd.) H. B. DAVIDSON, *Major,*
Honorary Magistrate 1st Class.

Dated 8th June, 1932.

(True copy.)

H. B. DAVIDSON, *Major,*
Honorary Magistrate 1st Class,
Deoli.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

The Honourable Sir Alan Parsons (Finance Member) : Sir, I present the first part of the report of the Public Accounts Committee on the accounts of 1930-31.

Report of the Public Accounts Committee on the Accounts of 1930-31.

I.—Presentation of the Report in two parts.

1. We have completed our examination of the Appropriation Accounts prepared by the Accountant General, Central Revenues, the Accountant General, Posts and Telegraphs, and the Financial Adviser, Military Finance, along with connected documents. We present the first part of our report dealing with these accounts and shall present the second part at a subsequent session of the Assembly. This procedure, which is in consonance with the practice of the Public Accounts Committee in the United Kingdom, will enable departmental action to be taken more quickly on our recommendations than if we had to wait for the completion of our examination of the Railway Accounts before making our report.

II.—Excess Votes.

2. *General Summary.*—The following table compares the total grants voted by the Legislative Assembly with the total expenditure against those grants :

(In lakhs of rupees.)*

	Original grant.	Supple- mentary grant.	Final grant.	Actual expendi- ture.
Expenditure charged to Revenue ..	1,09,73	13,99	1,23,72	1,22,32
Expenditure charged to Capital ..	19,05	12	19,17	14,90
	1,28,78	14,11	1,42,89	1,37,22
Disbursements of loans and advances ..	8,57	1,86	10,43	12,55
Grand Total ..	1,37,35	15,97	1,53,32	1,49,77

3. The following table compares the non-voted appropriations sanctioned by the Government of India with the total expenditure against such appropriations :

(In lakhs of rupees.)

	Original Appropriation.	Supplementary Appropriation.	Final Appropriation.	Actual expenditure.
Expenditure charged to Revenue ..	1,19,36	9	1,19,45	1,19,59
Expenditure charged to Capital ..	2,19	11	2,30	2,29
Total Expenditure ..	1,21,55	20	1,21,75	1,21,88

*The figures in paragraphs 2 to 6 include Railway figures.

4. The position regarding total expenditure, voted and non-voted, is as follows :

(In lakhs of rupees.)

	Original grant.	Final grant.	Actual expenditure.
Expenditure charged to Revenue ..	2,29,09	2,43,17	2,41,91
Expenditure charged to Capital ..	21,24	21,47	17,19
Total Expenditure ..	2,50,33	2,64,64	2,59,10
Disbursements of loans and advances ..	8,57	10,43	12,55
Total ..	2,58,90	2,75,07	2,71,65

5. *Savings*.—There was thus a saving of 3,42 lakhs or 1·2 per cent. in the final grant. The percentage compares as follows with the results of previous years :

	1926-27.	1927-28.	1928-29.	1929-30.	1930-31.
Expenditure charged to Revenue	2·9	·6	1·1	1·4	·5
Expenditure charged to Capital	5·8	3·4	3·8	10·2	19·9
Disbursements of loans and advances.	16·1	·1	—·3	—·3	—20·3
Combined percentage ..	3·8	1·0	1·4	2·4	1·2

6. The following table compares the percentage of savings under voted grants for expenditure proper (*i.e.*, exclusive of disbursements of loans and advances) with that of savings in non-voted appropriations :—

Year.							Voted.	Non-voted.
1926-27	..	..	..	..	..	..	5·2	1·0
1927-28	..	..	..	..	..	..	—·4	2·8
1928-29	..	..	..	..	..	..	2·4	·3
1929-30	..	..	..	..	..	..	4·0	·8
1930-31	..	..	..	..	..	..	4·0	—·1

7. *Accuracy of budgetting, control over expenditure, etc.*—So far as the Civil Departments are concerned, we agree with the Auditor General and the Accountant General, Central Revenues, that while there is no room for relaxation of effort, the estimation and control of expenditure show a reasonably high standard of attainment in the greater part of the field. The percentage of savings for voted expenditure would have been smaller but for the efforts made to economise in pursuance of the pledge given by the Hon'ble the Finance Member to the Legislative Assembly that every avenue of retrenchment would be explored. The possibility of improving the method of estimation of charges on account of ' Pay of Officers ' and ' Pay of Establishments ' has been engaging the attention of the Finance Department of the Government of India and we note with satisfaction that the result has been a continuous decline in the percentage of savings from 6·2 per cent. during the year 1926-27 to 1·4 per cent. in 1930-31

Our view in regard to the Posts and Telegraphs Department is not, however, so favourable, as the detailed appropriation accounts indicate that there is still great room for improvement in the methods and practice of financial control. We were informed by the Director-General, Posts and Telegraphs, that steps have already been taken to remedy the defects in the existing procedure of financial control and the Accountant General, Posts and Telegraphs, has undertaken at our instance to bring to notice in his subsequent reports whether the steps now taken have led to the improvements hoped for.

Turning next to the accounts of Army, Marine and Military Engineer Services, we agree with the Financial Adviser that from the point of view of military expenditure the year 1930-31 was on the whole an abnormal year in which the original estimates were upset by a number of unexpected factors which disturbed more or less seriously the appropriation under every head of the military budget. The actual gross expenditure was, however, very close to the estimates mainly due to the fact that the disturbing factors tended to cancel one another and we think it reasonable to conclude with the Auditor General that the advantage taken of the favourable factors in the situation reflects efficiency of financial control.

8. *Excesses*.—In the following cases the actual expenditure exceeds the voted grants and an excess vote of the Assembly is accordingly required :

Item No.	No. of Grant.	Grant.	Amount voted by the Assembly.	Actual expenditure.	Excess.
			Rs.	Rs.	Rs.
		<i>Civil.</i>			
1	71	Mint	48,06,000	48,29,675	23,675
2	73	Superannuation Allowances and Pensions	40,40,000	46,45,127	6,05,127
3	74	Stationery and Printing	51,34,000	52,19,605	85,605
4	76	Refunds	75,47,000	87,36,271	11,89,271
5	95	Commuted Value of Pensions	28,55,000	31,75,354	3,20,354
6	98	Loans and Advances bearing interest	9,48,35,000	11,79,23,871	2,30,88,871
		<i>Posts and Telegraphs.</i>			
7	23	Indian Posts and Telegraphs Department	11,34,04,000	11,39,41,109	5,37,109

9. The individual items of excess are explained below :

Item 1.—The excess was due to the loss on nickel coinage being more than estimated. A supplementary grant of 21·5 lakhs was obtained ; this was based on the actual return of coin from circulation till the end of December and the anticipated return in the last quarter of the year. The final figures exceeded expectations.

Item 2.—As explained by the Accountant General, Central Revenues, the abnormal growth in the pension list and an unanticipated adjustment after the close of the year of the commuted value of pensions of the Irrigation Department establishment for services rendered prior to the 1st April, 1921, were mainly responsible for the excess.

Item 3.—The excess occurred mainly under 'Stationery Stores purchased in India' to meet unforeseen demands from indenting officers.

- Item 4.*—The excess of about 10 lakhs under ' Customs ' was due to large refunds on account of silver and goods re-exported to Afghanistan on the resumption of trade with that country. A supplementary grant of 11·87 lakhs was obtained but it proved inadequate.
- Item 5.*—The excess was due to a mistake in the Account Office owing to a misapprehension of the position. Steps have been taken to avoid such mistakes in future.
- Item 6.*—The excess was the result of unexpected overdrafts by certain Provincial Governments towards the close of the year. We refer to this point in a later paragraph of our report.
- Item 7.*—The excess was mainly due to an under-estimate of the normal growth of pay of permanent establishments and to increased payments of subsidies to Railway Companies. There were also excesses under other heads which were more than counter-balanced by savings due to reduction in the programme for maintenance and repair work of buildings, etc., change in the classification of the pay of certain officers from voted to the non-voted category and a smaller contribution to the Depreciation Fund.
10. We recommend that the Assembly should assent to the excess grants detailed in paragraph 8 above.
11. *Reappropriations, etc.*—Rule 52(2) of the Indian Legislative Rules requires that we should bring to the notice of the Assembly every re-appropriation from one grant to another grant, every re-appropriation within a grant, which is not made in accordance with such rules as may be prescribed by the Finance Department, and all expenditure which the Finance Department have requested should be brought to the notice of the Assembly. We are glad to be able to report that there have been no re-appropriations falling under these categories during the year, nor have the Finance Department requested us to bring to the notice of the Assembly any particular item of expenditure.

III.—Comments on matters outstanding from previous Reports.

12. *Loans for capital expenditure.*—The Public Accounts Committee in reporting on the accounts of 1929-30 observed that the examination of the financial prospects of projects for which the Government of India were asked to advance loans to Provincial Governments or to Indian States must be regarded as one of the most vitally important duties of that Government. The Committee recommended that the Finance Department of the Government of India should be so organised as to be able to discharge its ultimate responsibility in this respect. We were informed by the Financial Secretary that, apart from noting this recommendation for future consideration in connection with the impending constitutional changes, no further action had been taken by Government in the matter. We understand that this decision was due to the fact that the Government of India have placed an embargo on any loans for new works during the current year and that this may last till the establishment of the new constitution, and that the rules relating to the grant of loans to

Provincial Governments and the States will have to be entirely recast in connection with the constitutional changes. In view, however, of the possibility of the embargo being removed earlier than contemplated, we recommend that the Finance Department of the Government of India should examine the recommendation, referred to above, more thoroughly than it has yet done and take such steps as it may consider necessary to meet the situation during the *interim* period between the removal of the embargo and the inauguration of the new constitution.

13. *Execution of works through departmental agency.*—The attention of our predecessors was drawn to the large number of financial irregularities that had occurred in the execution of works through departmental agency in the United Provinces and elsewhere. We are glad to note that the Government have at last been able to settle the question by deciding that, except repairs and petty works costing less than Rs. 2,500, which may be executed through departmental agency, all other civil works including works in the Posts and Telegraphs Department should be executed through the Public Works Department. No new rules will thus be required. The Public Works Department Code will apply in all cases in which work is carried out by the Public Works Department and the requirements of audit will thus be fully satisfied in all cases of importance. We were informed by the Chief Engineer that the only departments to which this decision will not apply are the Archæological and Salt Departments. The work in the former department is of a very special nature and requires a special staff. As regards the Salt Department, we were assured that the assistance of the Public Works Department was invoked whenever necessary. We consider this decision, which has been welcomed by the Auditor General, to be very satisfactory.

14. *Police clothing and equipment funds.*—The Public Accounts Committee dealing with the accounts of 1928-29 asked that a note should be submitted on the Police Clothing Fund in Baluchistan as well as on any other funds of the kind which might be in existence. A note was accordingly furnished by the Agent to the Governor General, Baluchistan, to the Committee of last year explaining the procedure followed and giving for a number of years the receipts, expenditure and balances of the funds in existence in two Police districts in Baluchistan. This was the starting point of a thorough investigation by the Auditor General into the question of the audit of these and similar funds to see whether proper rules governing their operations had been framed, whether the accounts were audited with reference to those rules and stores in stock and how the procedure compared with that obtaining in the Army and in various provinces. We are grateful to the Auditor General for a comprehensive note on the subject which is printed as Appendix XIII to our report. We agree that the 'fund' system has distinct advantages over the 'direct charge' system in that it must tend to focus attention on the part of heads of departments on the financial aspect of clothing and equipment administration and makes it possible to avoid the large fluctuations in annual expenditure which appear to be an inevitable result of the 'direct charge' system. The success of the system depends on a proper maintenance of the fund with stock accounts which should be subject to local test audit. We recommend the continuance of the system on the distinct understanding that proper steps will be taken for the accounting and audit of the transactions

of the fund, both as regards cash and stock. We further recommend that each administration should submit to the Finance Department of the Government of India with its budget proposals for contributions for the ensuing year a review of the situation as regards the total transactions for the past, current and ensuing years and an analysis of the rates of contributions in force with reference to prices and lives of the articles. This review should be accompanied by a statement relating to initial grants, showing whether any increase or reduction in establishment is contemplated and whether, having regard to the balances in the fund, any additional grant is necessary or refund of a portion of a grant given in a previous year is possible.

15. *Disposal of surplus stocks of quinine.*—In paragraph 21 of its report, the Committee of last year drew attention to the large stock of quinine, amounting to about 300,000 lbs. held by the Government of India, and recommended that “the surplus should be disposed of in some way so as either to bring money to the Government of India or to give benefit to the malaria-stricken population of India”. The net stock in hand on the 1st April 1931 was about 306,000 lbs., the manufacture and issues during the year ending about 14,000 and 28,000 lbs., respectively. We understand that the stocks owned by the Governments of Bengal and Madras, who have plantations of their own, are about 120,000 lbs. and that this stock is being annually added to as their manufacture amounts to 60,000 lbs. against consumption of about 45,000 lbs.

We gathered from the departmental witnesses that the only attempt made so far for the disposal of the surplus was to consult the local Governments in regard to a proposal made by the Director General, Indian Medical Service, to sell 20 per cent. of the stock through the local Governments at a specially cheap price. The Government of Bengal who are very closely interested in the matter have not yet communicated their views, while the Government of Madras who have replied are not in favour of the scheme, because if it came into operation, their own factory at Naduvattam would have to work at a greater loss. We tried to ascertain from the witnesses whether there was any difficulty in the way of the Government of India selling their large surplus stock in the market at a lower price than Rs. 18 per lb., and, so far as we could judge from our examination of the position, there seems to be none. It was stated that the existing stock included some portion of the quinine purchased from the Dutch combine and that according to the contract with that body, which, however, expired in 1923, that portion could not be sold at a commercial price. We agree with the departmental witnesses that any difficulty on this account could easily be got over by setting this quantity of quinine apart and not disposing of it at the same price as the rest. So far as the local Governments of Bengal and Madras are concerned, we cannot view with favour any suggestion which allows these Governments to continue their excess production and make net additions from year to year to their stocks, while it forces the Government of India to carry an enormous stock, which at the existing rate of net issues will last for more than 20 years. We, therefore, recommend that the Government of India should come to an early decision regarding the particular proposal referred to above. If they find that the proposal is not supported by the local Governments, they should consider seriously and without any further loss of time the question of selling the entire

surplus stock independently, or, if this is not feasible, of using it for the benefit of the people in malaria districts. We further recommend that the Government of India should also examine the possibility of curtailing their annual production and manufacture till these stocks are brought down to reasonable proportions.

16. *Other outstanding recommendations.*—We have considered the explanations furnished and the action taken in regard to the various outstanding recommendations from previous years and enclose as Annexure A to our report a Statement showing the items whose final disposal has to be watched through the quarterly list of outstandings prepared by the Finance Department of the Government of India.

IV.—Important comments on matters arising out of the accounts for 1930-31.

17. *General remarks on the preparation of the Appropriation Accounts and the presentation of the results of audit.*—We are satisfied that the Appropriation Accounts presented to us and the reports thereon contain all the information necessary for our purpose. The report of the Accountant General, Central Revenues, has been appreciably reduced in bulk by the elimination of unnecessary detail, and, as indicated by the Auditor General, the presentation of the subject matter has at the same time been carried out in a manner which is of great practical convenience to us. We specially appreciate the summary in a comparatively brief compass indicating important individual features in the accounts and the general picture of the year's proceedings and results which we found to be of considerable assistance to us in the formulation of our own conclusions regarding the state of the financial administration. The Financial Adviser, Military Finance, has carried out all the suggestions made in paragraph 24 of the Report of the Committee of last year and once more we find his report to be clear and helpful.

18. *Financial irregularities.*—We have gone very carefully into the cases of financial irregularity included in the various reports. Such cases in the civil departments were neither numerous nor serious. Only one case of fraud occurred in Burma where frauds in treasuries have unfortunately been frequent in recent years, and this reduction in number, as pointed out by the Auditor General, seems to be due to the drastic disciplinary action taken by the local Government in the previous cases. There are, however, some "rather unfortunate cases of nugatory expenditure" and some individual cases of irregularity and fraud of a distinctly unsatisfactory character brought to light in the report of the Accountant General, Posts and Telegraphs, which compel us to share the feeling of the Auditor General that the standard of financial discipline in the department had not been sufficiently rigorous in the past.

As regards the Army Department, the matter is dealt with in the Report of the Military Accounts Committee. We should like only to note here that we recognise that the inclusion of a larger number of cases of financial irregularity in the report by the Director of Army Audit is simply due to an endeavour on the part of that officer to present to the Committee a wider basis on which to judge for itself the standard of financial administration of the mili-

tary services. We agree with the Auditor General that there has been no deterioration but rather improvement in the efficiency of the internal check of the Military Accounts Department. We further agree that in the period under review the test audit staff appears to have done work of substantial value.

19. *Supplementary grants.*—During the examination of the accounts of the year, we came across various instances where supplementary demands had been presented to the Assembly which subsequently proved to be unnecessary. We discussed with the Financial Secretary the possibility of improving the existing procedure so as to minimise such unnecessary grants of supply. We are here confronted by a dilemma. On the one hand, it is inconsistent with a proper parliamentary control that expenditure should be incurred without appropriation. On the other hand, it weakens the control of Parliament if it is asked to vote unnecessary supplies. We think that the lesser evil consists in forbidding departments to incur any expenditure without appropriation except when it is absolutely necessary and urgent and even then only after obtaining the previous concurrence of the Finance Department, and in arranging to go up to the Legislative Assembly for supplementary grants only when there is really good reason to believe that such additional grants are necessary.

20. *Supplementary grants for loans to the Provinces.*—Our attention was drawn to the large excess of about Rs. 2,67 lakhs over the grant for Advances to the Provincial Loans Fund in spite of the fact that a supplementary grant of Rs. 1,17 lakhs was voted towards the end of the year to make additional advances to certain Provincial Governments. We are satisfied that the general economic depression coupled with local trouble in Burma made estimating more than usually difficult in the Provinces. At the same time we must refer to a practice of Provincial Governments, which in our view must be strongly deprecated. This is the practice of postponing regular applications for loans from the Provincial Loans Fund till after the close of the year and in the meantime of meeting the deficits by overdrawal on balances. Such overdrafts are converted into formal loans when the final accounts of the year are made up by the Auditor General, the loans being treated as having been taken on the last day of the financial year. Although this practice may be to the financial advantage of the local Governments who thereby delay paying interest charges on their overdrafts till the latest possible date, it has at least one decided disadvantage from the point of view of the Government of India and their legislature, namely, that in the absence of timely intimation before the close of the year, it is impossible for the Government of India to obtain the necessary additional grants from their legislature which is thus left to deal with the matter by means of the unsatisfactory device of excess votes. We do not believe that the Provincial Governments are not equipped with the necessary machinery to watch and estimate their own requirements and we therefore desire that the Finance Department of the Government of India should examine departmentally whether more pressure could be brought to bear on Provincial Governments to foresee their requirements and to intimate these requirements to the Government of India so as to enable the latter to go up to the Assembly for supplementary grants in time and thereby avoid excesses over the grants.

21. *Stores balances.*—Our predecessors emphasised the importance of control over stores and we are glad to observe that the valuable comments made by the Director of Commercial Audit in paragraphs 20 to 22 of his Appendix of accounts and reviews of commercial concerns for the year 1929-30 have, as suggested by them, been brought to the notice of all departments and officers of the Central Government. We observe from the Appendix for the year 1930-31 that the balances of stocks of stores held by the various commercial concerns on the 31st March 1931 were still unduly high. We were assured by the departmental witnesses that the stores balances were being closely watched and reduced wherever possible. For example, in the Mathematical Instrument Office, Calcutta, home indents have been entirely suspended and manufacture is being reduced by short-time employment of workmen. The maintenance of excessive stocks involves the tax-payer in a two-fold loss. There is the loss of interest on capital unnecessarily locked up, and there is the further loss arising from the danger of the stores becoming obsolete and having to be disposed of at a sacrifice later. We, therefore, welcome the suggestion of the Auditor General that a note should be given in future each year, in the Appendix containing the accounts and reviews of Government commercial concerns, dealing with the question of stocks and indicating whether balances held on the last day of the year were justified.

22. We should like to refer in this connection to a proposal which was made by us to the Director General, Posts and Telegraphs, the general application of which to all departments which have to carry stocks of stores may be found to be of great financial advantage. We were informed by the Director General that from the inordinately high balance of Rs. 2,54 lakhs of stores in 1923-24, the Posts and Telegraphs Department had worked down to an opening balance of about Rs. 41 lakhs at the beginning of the current year; that the minimum balance required on the basis of three months' consumption in the case of stores obtainable locally and six months' consumption in the case of other stores was about Rs. 22 lakhs; and that it was hoped to end the year with a balance estimated at about Rs. 26 lakhs. At our instance, the Director General has undertaken to examine the possibility of reducing the working balance still further by adopting a basis of two months' consumption instead of three months in the case of articles obtainable locally. We recommend that the general question of reducing stocks by revising the basis of calculation of working balances in the manner above suggested, which we understand has already been adopted by the Army authorities, should also be examined by the civil departments.

23. *Trading results of Government of India commercial concerns.*—We have been furnished with a comparative statement showing the net trading results of Government of India commercial concerns during the past three years, in paragraph (xvi) in the opening chapter of the Appendix of the Director of Commercial Audit. As observed by the Director "a notable feature of the accounts for 1930-31 is the reduction in profit earned, or the increase in loss incurred, at the majority of these concerns, and it may be said that subject to a few exceptions such as the Northern India Salt Revenue Department and possibly the Mints, Government of India commercial concerns have not escaped the result of the growing trade depression during the year under review".

While these observations are generally true, there are two concerns under the control of the Department of Education, Health and Lands and the Home Department, respectively, where further action should be possible to reduce the loss.

24. *Wellington Farm*.—We found that the selling price of milk and cream at the Wellington Farm was much below the cost of production as shown below :

					All-in-cost.	Average selling price.					
					Per lb.						
					Rs.	A.	P.	Rs.	A.	P.	
Milk	0	7	4.4	0	3	1.7
Cream	4	10	6.5	1	12	0

The supply is made to the troops stationed at Coonoor and Wellington and we were told that the prices charged are those which were fixed some time ago under an old contract. We do not see the justification for maintaining at the cost of the civil department a dairy and farm at an isolated place like Wellington simply for the purpose of supplying military requirements at less than the cost of production. We therefore recommend that the rates charged to the Army for the products of the Institute should be raised to cover the cost of production or in the alternative that the question of closing down the Institute altogether should be seriously considered.

25. *Andamans Butchery and Dairy*.—Similarly the losses incurred in working the Executive Commissariat Department in the Andamans have been partly due to the sale of the products of the Butchery and the Dairy at less than cost price, particularly in the case of supplies made to the Army. The representative of the Home Department, while admitting that the selling prices were under cost price, suggested that they were still high compared with Indian prices. We think that a comparison of the prices in Andamans with those in India is not relevant to the issue before us, namely, why it should be regarded as justifiable to sell the products of the Butchery and the Dairy at less than cost price. The departmental representative undertook to place the suggestion before the Chief Commissioner, Andamans. We trust that it will be possible for the latter to accept our suggestion and to place the transactions of the Commissariat on a proper footing.

26. *Financial position of the Indian Posts and Telegraphs Department*.—The Public Accounts Committee of last year, after examining the effects of the retrenchment proposals and the measures for increasing revenue, ultimately endorsed the view that, as a matter of principle, the Department should be self-supporting and that whatever steps were necessary to bring this about should be

taken. The accounts of 1930-31 could not be expected to show any improvement as a result of these measures. But we obtained from the Director-General, Posts and Telegraphs, a memorandum giving an up-to-date survey of the general position and prospects of the Department. The commercial loss which amounted to Rs. 91 lakhs in 1930-31 is expected to come down to about Rs. 52 lakhs in the current year and the Director-General is convinced that with the return to reasonably normal conditions the Department would very soon be working again at a profit. The latest information now available is, as observed by the Auditor General, not such as to justify optimism or to warrant relaxation of effort on the part of Government. We do not agree with the Accountant General that the year 1930-31 might be taken as closing an important chapter in the history of the Department and we cannot agree to be satisfied except by the test of actual results.

27. *Budgetting and control of works expenditure.*—We devoted considerable time and attention to the examination of the system of budgetting and control of works expenditure, both in the Public Works Department and the Posts and Telegraphs Department. We found a number of cases where there were large variations between the estimates and the actual expenditure. It was explained by the Chief Engineer that such cases related to works under the administrative control of the Foreign and Political Department and that the Department of Industries and Labour merely act in this matter as a compiling agency for the former Department for the purpose of making the necessary provision in the budget. It seems to us that some improvement in the existing system of budgetary control is necessary in order to ensure that no provision is included in the budget for any work in regard to which the preliminary arrangements are not so far advanced as to afford a reasonable prospect of the provision being fully utilized. One result of neglecting this essential condition is to place funds at the disposal of spending authorities which may be diverted to works outside the scope of the original demand, and increase the commitments of the following years.

28. We also discussed in this connection the question of the purposes to which the Reserve provision in the Civil Works budget should be confined. This provision was actually used in the year 1930-31 for a number of works, some of which might have been foreseen and provided for in the estimates presented to the legislature and some of which did not seem to be of such particular urgency as to justify their being financed from the Reserve. We agree with the Auditor General that it should be a recognized principle that, so far as possible, allotments for original works should be made in the estimates presented to the legislature and consider that the Reserve should be confined to two purposes: to meet throw-forwards from the previous year and to meet really unforeseen and emergent demands. We should like to add that in estimating the provision required for the first of the two purposes mentioned, namely, to meet throw-forwards from the previous year, due regard should be paid to the fact that at the present time when works expenditure is being drastically curtailed, the provision for throw-forwards need not be as large as usual.

29. *Utilization of unanticipated credits to cover excess expenditure.*—In his notes under Grant No. 69—Indian Stores Department, the Accountant General,

Central Revenues, has brought to notice the fact that, while the estimates of that Department were framed on the assumption that recoveries from Company-managed State Railways would be treated as receipts and not as deductions from expenditure, the recoveries were actually accounted for, in accordance with the rules on the subject, as *minus* expenditure like recoveries from other departments. As it is possible that, but for this change in classification there would have been an excess over the grant, the Auditor General has raised the general question whether it is permissible for unanticipated credits of this kind to be utilized for the purpose of covering expenditure in excess of the grant. We have no hesitation in answering the question in the negative, and recommend that such credits should be treated in the accounts as receipts and not as deductions from expenditure.

30. *New Services.*—The Auditor General has, as usual, prepared a memorandum of cases of 'New Service' in connection with the accounts of 1930-31 (Appendix VII).

31. *Charges for locust control operations.*—An expenditure of Rs. 25,388 was incurred during the year, representing the share of the Government of India on behalf of the Centrally Administered Areas of the cost of the materials purchased for locust control operations in 1930-31. The charge has been classified by the Government of India as in respect of a 'new service' on the ground that it was incurred in connection with a new activity which had not previously been undertaken by the Central Government. We accept this classification.

32. No steps were, however, taken by the Government of India to obtain a supplementary grant from the Legislature for expenditure on this new service, because it was hoped that it would be possible to meet the expenditure from savings under other heads of the Grant. Although the expectation has been realised, there being an actual net saving in the Grant as a whole after meeting the expenditure on this new service, we consider that in accordance with correct parliamentary practice the approval of the Assembly should have been obtained for the expenditure by means of a token vote before the close of the year.

33. *Regularization of old cases of new service.*—The Auditor General has suggested that we should consider in this connection whether excess votes should now be obtained for other cases of this kind which have occurred in previous years. As pointed out by him, our predecessors have not suggested in any such case that the expenditure as incurred was not in the public interest. We therefore recommend in order to avoid barren formalities that such cases should be tacitly condoned.

34. As in previous years we append to our Report Minutes of our Proceedings which we consider should be considered as part of the Report. We assume that in accordance with established practice action will be taken by Departments as necessary on the observations and recommendations contained in these Proceedings.

35. *Report of the Military Accounts Committee.*—We append the Report submitted by the Military Accounts Committee (Annexure B) constituted in pursuance of the recommendation in paragraph 31 of the Report of the Public Accounts Committee of last year to make a preliminary examination of the Military Appropriation Accounts and connected documents. We endorse the recommendations and observations of the Committee both in its Report and in the accompanying proceedings of its meetings.

36. *The Auditor General's general comments on the Appropriation Accounts communicated to the Secretary of State.*—We were, as usual, supplied with a copy of the letter from the Auditor General transmitting to the Secretary of State the Appropriation Accounts for the year, and briefly commenting on the salient features in these Accounts. In these comments the Auditor General expresses his opinion as to the degree of efficiency attained in the preparation and presentation of the several Appropriation Accounts and Reports, and as to the standard of financial administration and control, and discusses changes which have taken place in the system and machinery of the Audit Department. We have dealt with the first two points in paragraphs 17 and 18 of our Report. Subject to the reservations indicated by the Auditor General himself and to those which flow from our own remarks and recommendations, our examination of the Accounts and Reports of the Central Government leads us to the same conclusion as that of the Auditor General, namely, that the standard of financial administration and control aimed at and attained is over the greater part of the field generally adequate. As regards the changes in the system and organisation of accounts and audit, we are obliged to the Auditor General for an interesting statement of important economies and reforms which have recently been carried out in connection with the general retrenchment of public expenditure. It is claimed that the decentralisation of Commercial Audit has made it possible to avoid some duplication and unessential specialisation and that the new system is an improvement on the old. We are prepared to accept the change on the condition which has been assured, namely, that the Public Accounts Committee will continue to receive under the new system, in the same form as before, the valuable information regarding the financial results of Government Commercial Concerns, the preparation and presentation of which were systematised by the late Director of Commercial Audit. As regards the somewhat similar decentralisation of the audit of Customs Revenue, it seems clear to us that the change must be correct in principle inasmuch as the new system follows the regular plan of organisation, saves the money and time spent on extensive travelling under the old system, and secures a greater volume of audit at less expense. It also seems to us to be correct in principle and feasible in practice to require Accountants General to qualify themselves to supervise the audit of Customs Revenue or indeed any other public audit within their sphere of authority. We await with interest the result of the experiment and look forward in particular to the first consolidated report on the results of the audit which is to be presented in his Appropriation Report by the Accountant General, Central Revenues. The other economies which have been carried out are also important if not as novel. We are glad to note that in the majority of cases the measures follow the Auditor General's own recommendation and we welcome the assurance that

in his opinion they are not likely to impair seriously the usefulness of the Audit Department.

A. A. L. PARSONS.

SANT SINGH.

B. DAS.

ABDUL MATIN CHAUDHURY.

M. A. AZIM.

M. C. RAJAH.

T. N. RAMAKRISHNA REDDI.

ISMAIEL ALIKHAN.

S. C. MITRA.

MOHAMMAD YAKUB.

J. RAMSAY SCOTT.

R. D. DALAL.

V. K. ARAVAMUDHA AYANGAR,

Secretary,

The 7th September 1932.

ANNEXURE A.

(Referred to in Paragraph 16 of the Report.)

Statement showing recommendations, etc., made by the Public Accounts Committee, whose final disposal has to be watched through the Quarterly Statement prepared by the Finance Department.

(A) RECOMMENDATIONS OUTSTANDING FROM PREVIOUS YEARS.

- (1) Disposal of the surplus of stock of quinine held by the Government of India (Item 16 of Appendix I).
- (2) Debiting the Commercial accounts with royalty on timber extracted (Andamans) at a fair standard rate (Item 24 *ibid*).
- (3) Amendment of the leave rules (Item 25 *ibid*).
- (4) Consideration of the question of recovery of public claims, etc., from the pay and pension of civil officers in connection with the terms of service of future entrants (Item 27 *ibid*).
- (5) Disposal of items included in Special Appendix for consideration in connection with the impending constitutional changes (Item 33 *ibid*).
- (6) Steps necessary to ensure the proper discharge by the Finance Department of the Government of India of its ultimate responsibility in regard to the examination of the financial prospects of capital projects met from loans by the Government of India (Item 37 *ibid*).
- (7) Examination of the accuracy of past estimates of the number fixed for the printing of publications and action taken in regard to big surpluses (Item 57 *ibid*).

(B) OUR RECOMMENDATIONS IN THE CURRENT REPORT.

Finance Department.

(1) Introduction of certain measures proposed for the proper budgetting and financial control of Police Clothing and Equipment Funds including audit of the cash and stock transactions (Paragraph 14 of the Report).

(2) Issue of instructions to the departments not to incur any expenditure without appropriation except when absolutely necessary and urgent and avoidance of unnecessary supplementary grants (Paragraph 19 *ibid*).

(3) Obtaining earlier intimation from Provincial Governments of their loan requirements and avoiding excess over the grants under the head "Loans and Advances from the Provincial Loans Fund" (Paragraph 20 *ibid*).

(4) Reduction of stocks of stores held by departments by revision of the basis of calculation of working balances (Paragraph 22 *ibid*).

(5) Prohibition against utilization of unanticipated credits to cover expenditure in excess of the grant (Paragraph 29 *ibid*).

(6) Improving the present method of estimating under Grant No. 97-Interest Free Advances (Paragraph 2, Proceedings).

Department of Education, Health and Lands.

(7) Sale of the entire surplus stock of quinine independently of local Governments and examination of the possibility of curtailing annual production and manufacture (Paragraph 15 of the Report).

(8) Revision of the rates charged to the Army for the products of the Wellington Institute (Paragraph 24 *ibid*).

(9) Examination of the question of charging proper commercial rates to the Forest Department (Andamans) for carriage of timber (Paragraph 37, Proceedings).

Home Department.

(10) Revision of the selling prices of the products of the Butchery and the Dairy in the Andamans (Paragraph 25 of the Report).

Department of Industries and Labour.

(11) Overhauling the system of budgetting and control of Works expenditure and proper utilisation of the Reserve provision (Paragraphs 27 and 28 of the Report).

(12) Investigation to a limited extent into the adequacy of the existing allotments for stationery (Paragraph 31, Proceedings).

(13) Examination of the question whether the refund to the Foreign Office of the advance made by them towards the cost of construction of certain telegraph lines in Persia was in order (Paragraph 62, Proceedings).

Army Department.

(14) Report on the progress made to simplify and amend the existing regulations in the Army (Paragraph 1 of the Report of the Military Accounts Committee).

ANNEXURE B.

Report of the Military Accounts Committee.

We were constituted in pursuance of the recommendation of the last Public Accounts Committee in paragraph 31 of their Report to make a preliminary examination of the Military Appropriation Accounts and connected documents. In our task we received great assistance not only from the Auditor General and the Financial Adviser, Military Finance, and his staff, but also from the Army Secretary and the Principal Staff Officers who appeared before us. We were much impressed by the obvious desire of the Army

authorities to secure every possible economy and stricter financial control, by the clear evidence of the efficacy of the action which they have taken to this end, and by their readiness to accept any proposals in this respect which we found ourselves able to suggest to them. As the minutes of our proceedings (Annexure I) show, the result is that all our recommendations have already been accepted, and there is only one outstanding matter to come before the Committee in a special form next year. This relates to the steps which are being taken to simplify and amend the existing Regulations—a matter which is, in our opinion, of very considerable importance. We found, in our study of the Appropriation Accounts and the report of the Director of Army Audit, numerous instances of wrong payments due to the obscurity of many of the existing rules. We have asked for a further report on the progress made to simplify the rules next year.

2. We are glad to note that the contentious question of capitation charges has been referred to a tribunal and we shall be glad to be informed in due course of the result.

3. The results of our examination of the Appropriation Accounts and connected documents are, as usual, embodied in the proceedings of our meetings (Annexure I), and it is unnecessary for us here to do more than refer to the more important points in the Accounts. As recommended in paragraph 24 of the Report of the last Public Accounts Committee, the Accounts have again been prepared in a lucid and informative manner; we found the general survey and analysis made by the Financial Adviser, Military Finance, particularly valuable.

4. In 1928-29 the question was raised before the Military Accounts Committee whether the English system of securing a certificate in the Appropriation Accounts in regard to the existence in stock of all the authorised War Reserves of stores should not be followed in India. The object of such a certificate is to impose and keep alive a sense of responsibility on the part of the Principal Staff Officers concerned for keeping and maintaining the authorised War Reserves of stores: in addition, such a certificate should ensure that money allotted for War Reserves is applied for the purpose for which it is intended, and should prevent a sudden demand for reserves on the occurrence of any emergency. The Quartermaster-General and the Acting Deputy Master-General of Ordnance (representing the Master-General of Ordnance), with whom we discussed this question, agreed that such certificate was desirable and undertook to give in future a certificate in the following form:

“ We certify that, on 31st March , the War Reserves of stores authorised by the Government of India to be held at that date for the mobilisation of the Army in India and detailed in the published War Equipment Tables or provided for under specific sanctions, for the provision and maintenance of which we are respectively responsible, were complete to the extent to which the quantities required have been calculated, with the exception of fluctuations normal to the maintenance of such reserves, or to shortages and deficiencies due to sanctioned alterations in such reserves, the adjustment of which is in hand.”

The Quartermaster General explained, however, that some further investigation into the actual War Reserve stocks would be necessary before he could sign the certificate. This investigation was now proceeding and would be completed as rapidly as possible.

5. *Military Engineer Services.*—In the case of the Military Engineer Services expenditure, our attention was drawn to the numerous and large variations from the original programme of works. We agree with the Auditor General that “ under a normal system of control of public expenditure, it would be necessary for the Military authorities to define more exactly the scope of the original demand than they do at present, and in their expenditure to conform more closely to the scope of the demand as so defined”. We are glad to find that the Military authorities are prepared to accept the principle laid down by the Auditor General and have already taken steps to improve the budgetting and control in regard to military works expenditure. The nature and details of these measures are explained in our proceedings (Annexure I) and we look forward to the establishment shortly of a more stable and settled policy in this matter.

6. *Expenditure on programme measures.*—We were furnished by the Army Secretary with a certificate from the Chief of the General Staff regarding the sufficiency of the resources available for the completion of these measures, which we append to this Report (Annexure II). We are satisfied with the action taken and continuing to be taken in response to the suggestions made by the Auditor General both in regard to the audit of the programme expenditure and the annual certificate from the Chief of the General Staff.

7. *Cases of financial irregularity.*—We have gone carefully into the cases of financial irregularity included in the Report of the Director of Army Audit. Our task was considerably lightened by the preliminary examination and classification made by the Auditor General. One unsatisfactory type of irregularity related to errors and omissions in issuing pay, allowances and pensions. The Army Secretary admitted that in many cases the errors were due to the complexity of the rules and to the issue of defective orders by Government in recent years. We are satisfied that steps are being taken to improve this, but (*vide* paragraph 1 above) have asked for a report on the matter next year.

8. The Financial Adviser, Military Finance, brought to our notice certain extenuating circumstances in regard to irregularities in the payment of pensions. The work of issuing pension payment orders during the years 1918 to 1923 had to be done under extraordinarily difficult conditions and the revision of the original grants, we were told, would take three years to complete and cost about Rs. 6 lakhs. In these circumstances, we agree with the suggestion made by the Financial Adviser, and accepted by the Auditor General, that it will be sufficient if steps are taken to rectify only those grants which in the course of current check and audit are found to be wrong.

9. Another type or irregularity related to errors and omissions in the calculation of charges recoverable from other departments and Governments, and cases were brought to our notice where in working out the capitation rates at which recoveries were to be made from the Colonial and War Offices certain elements had, through oversight, not been included in the calculation. We were informed that the preparation of claims in such cases had now been centralised in one office and we were assured that necessary action has been taken for the proper allocation of these charges in future.

10. *Store Accounts.*—We devoted considerable attention to the loss involved by large sums being locked up in stocks of stores and to the desirability of reducing the value of stocks held as far as possible. The matter had also received careful examination at the hands of the Army Sub-Committee of the Central Retrenchment Advisory Committee, which had made certain valuable recommendations on the subject. We were informed by the Army Secretary and the departmental witnesses that the whole position had been carefully analysed by the Army authorities and that proposals are now under consideration to reduce stocks as far as possible. We are glad to note that the department is fully alive to the importance of the question and hope that the report of the Director of Army Audit next year will disclose a more satisfactory state of affairs.

11. *Losses in stores.*—We find that according to the figures given in Appendix E to the Appropriation Accounts the losses in stores were much higher in 1930-31 than in the previous year. It was explained by the Military Accountant General that a substantial proportion of the losses shown in the Appendix did not represent real losses but represented only adjustments in stock price account. We discussed the form of the appendix with the Financial Adviser and the Auditor General and examined in this connection a form suggested by the Financial Adviser. We recommend that the latter form be adopted with such modifications as may be considered necessary by the Director of Army Audit as a result of his examination in the light, among other things, of the general rules on the subject, that are now under issue by the Government of India.

12. *Trading Accounts.*—We have been informed by the Auditor General that the enquiry into trading accounts that was instituted at his suggestion has not yet been finally completed but that it should not be very long before the whole system was placed on a proper basis. We desire to reiterate in this connection the observations made by the official Committee, which examined the Military Appropriation Accounts last year, namely, that, from the point of view of the Government and the taxpayer, it is vital to exhibit, as nearly as possible, in the trading accounts the actual cost of production of the output of Army Manufacturing establishments and to ensure that that cost is reasonable. We

are glad to note that efforts to secure uniformity in the form of the accounts and to make these accounts absolutely reliable will be continued and feel sure that the Army authorities will also appreciate the valuable purpose which the accounts are intended to fulfil.

A. A. L. PARSONS.

J. B. TAYLOR.

B. DAS.

ABDUL MATIN CHAUDHURY.

S. C. MITRA.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF COMMERCE.

The Honourable Sir C. P. Ramaswami Aiyar (Member for Commerce and Railways) : Sir, I beg to move :

“ That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects in the Department of Commerce.”

The motion was adopted.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF INDUSTRIES AND LABOUR.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I beg to move :

“ That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects, other than ‘ Roads ’ and ‘ Broadcasting ’, dealt with in the Department of Industries and Labour.”

The motion was adopted.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I may inform Honourable Members that for the purpose of election of Members to the Standing Committees for the Department of Commerce and the Department of Industries and Labour the Assembly Office will be open to receive nominations up to 12 noon on Wednesday, the 14th September, 1932. The election, if necessary, for the Standing Committee for the Department of Commerce will take place in this Chamber on Monday, the 19th September while the election for the Standing Committee for the Department of Industries and Labour will be held on Wednesday, the 21st September. The elections will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Mr. H. G. Haig (Home Member) : Sir, I beg to present the Report of the Select Committee on the Bill further to amend

the Code of Criminal Procedure, 1898, for a certain purpose. I wish to mention, Sir, that ten minutes ago I was handed by one of the members of the Committee a minute of dissent which, I suppose, it is in order that I should append to the Committee's Report.

THE CHILDREN'S PROTECTION BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadian) : Sir, I beg to move :

“ That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, be continued.”

I do not wish to take up the time of the House now by making a speech.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly : Non-Muhammadian Rural) : Sir, I oppose this motion very strongly. It is not a formal proposal and I do not know how it finds a place in the agenda to-day. It is a rule of the Assembly—I think it is in paragraph 91 of the Manual of Procedure—that a Bill shall lapse if no motion has been made in this Assembly for two sessions unless the Assembly orders its continuance under a special order. Now those words were not introduced there without a meaning. What are the circumstances under which my friend asks that this Assembly should allow him to continue a Bill which if he was anxious to go on with, he ought to have taken particular care to see that it did not lapse. If it was an ordinary Bill, I should certainly not have stood up to oppose the matter. But this is a very important Bill. You will remember, Sir, that this Bill was introduced for the purpose of amending section 375 of the Indian Penal Code—the age of consent section—and a consequential amendment of the Criminal Procedure Code, in order, as the Mover said, to protect married and unmarried girls below a certain age. The other day when I moved my motion to amend the Child Marriage Restraint Act, the Honourable Member twitted me by saying that I was too early in moving the amendment as it was only three years since the Act was passed. The present Bill is a good answer as it was moved only two years after the passing of the previous Act, and Government spokesmen as well as eminent judicial officers who were consulted in the matter have said that it was too early yet to judge the effect of the previous Act ; and, in spite of this fact that my friend insisted that we should go on with it, as a matter of policy the Government appointed the Age of Consent Committee. That Committee made its report some time ago. What happened to it, whether it was circulated for opinion or not, nobody knows. My attempts to try and find out the details regarding it have not been so far successful ; and I know that the Bill, which my friend now wants to revive, is a Bill which he originally introduced and he has not even taken advantage of certain remarks that have come out of the Age of Consent Committee's Report. Those who want to have the luxury of moving a Bill in this Assembly ought to be particularly diligent ; and what I cannot understand is how this particular motion which is in connection with a non-official Bill has been going about from the non-official to the official and from the official to the non-official side. I wonder if it is an indication either that the Government are going to take it under their wings or my friend is going to cross the floor of the House and see if he cannot get a place there in order to push his immortal Bills through the House. Whatever that may be, I very strongly protest against this motion and respectfully ask the Government not to support my friend and I very respectfully ask this House to

[Raja Bahadur G. Krishnamachariar.]

reject his Bill. Let my friend introduce his Bill in the usual course and he will then have plenty of opportunity to justify himself and we shall then meet him face to face, squarely and fairly and then whoever wins, wins.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Sir Hari Singh Gour to reply.

Sir Hari Singh Gour : Sir, my Honourable friend has been guilty of a most ungracious act. This Bill had precedence of his own amending Bill on the last non-official day. The Assembly was to have started at half past two, but unfortunately owing to some misunderstanding, a few minutes before half past two the House assembled and my friend taking advantage of that fact and without drawing the attention of you, Sir, began to speak on his own motion.....

Raja Bahadur G. Krishnamachariar : That is not true.

Sir Hari Singh Gour :and the result therefore has been that my Bill was jettisoned out of the agenda for that day.

Turning now to the merits of my Bill, I have been at this Bill from 1922 ; and when the Government appointed the Age of Consent Committee which drew up a report, I immediately redrafted my Bill in accordance with the recommendations of that Committee. The fact is that after that I have been as diligent as any diligent Member in this House can be. Session after session, due notices were given for the further progress of this Bill, and it is only a matter of accident that it could not be reached on two successive sessions, being crowded out by less important Bills like that of my Honourable friend who sits behind me and who blocked the progress of vastly more utilitarian Bills like the one this House is now concerned with. I hope, Sir, the House will, after this explanation, give me the permission I want.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Before I put the motion to the House, I should like to refer to some remarks which the Honourable Member made in regard to his not being able to move this formal motion when it appeared on the Order Paper on a non-official day. The Honourable Member claims that he has been most diligent, and the Chair wishes to remark that if he had been diligent and been present here exactly at half past two, he would not have been deprived of his opportunity of making the motion. The Chair entered the Chamber exactly at half past two and called upon the Honourable Member to move his motion. He was not present, but came in later. It was in consequence of that want of diligence on the part of the Honourable Member that he was deprived of the opportunity of making this motion then.

The question is :

“ That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, be continued.”

The Assembly divided :

AYES—36.

Abdur Rahim, Sir.	Milligan, Mr. J. A.
Ahmed, Mr. K.	Misra, Mr. B. N.
Azhar Ali, Mr. Muhammad.	Mitra, Mr. S. C.
Chandi Mal Gola, Bhagat.	Morgan, Mr. G.
DeSouza, Dr. F. X.	Muazzam Sahib Bahadur, Mr. Muham-
Fox, Mr. H. B.	mad.
Gour, Sir Hari Singh.	Naydu, Rao Bahadur B. V. Sri Hari
Harbans Singh Brar, Sirdar.	Rao.
Hoon, Mr. A.	Patil, Rao Bahadur B. L.
Hossack, Mr. W. B.	Puri, Mr. B. R.
Hudson, Sir Leslie.	Rajah, Rao Bahadur M. C.
James, Mr. F. E.	Ranga Iyer, Mr. C. S.
Jawahar Singh, Sardar Bahadur	Reddi, Mr. P. G.
Sardar.	Reddi, Mr. T. N. Ramakrishna.
Jehangir, Sir Cowasji.	Surma, Mr. R. S.
Joshi, Mr. N. M.	Scott, Mr. J. Ramsay.
Lal Chand, Hony. Captain Rao Baha-	Shah Nawaz, Mian Muhammad.
dur Chaudhri.	Smith, Mr. R.
Mackenzie, Mr. R. T. H.	Thampan, Mr. K. P.
Maswood Ahmad, Mr. M.	Ziauddin Ahmad, Dr.

NOES—29.

Abdul Matin Chaudhury, Mr.	Lahiri Chaudhury, Mr. D. K.
Badi-uz-Zaman, Maulvi.	Murtuza Saheb Bahadur, Maulvi Sayyid.
Bagla, Lala Rameshwar Prasad.	Pandian, Mr. B. Rajaram.
Bhuput Singh, Mr.	Raghubir Singh, Kunwar.
Dudhoria, Mr. Nabakumar Sing.	Rajan Bakhsh Shah, Khan Bahadur
Dutt, Mr. Amar Nath.	Makhдум Syed.
Fazal Haq Piracha, Shaikh.	Rastogi, Mr. Badri Lal.
Gidney, Lieut.-Colonel Sir Henry.	Roy, Rai Bahadur Sukhraj.
Ibrahim Ali Khan, Lt. Nawab Muham-	Sen, Mr. S. C.
mad.	Sen, Pandit Satyendra Nath.
Ismail Ali Khan, Kunwar Hajee.	Shafee Daoodi, Maulvi Muhammad.
Ismail Khan, Haji Chaudhury Muham-	Singh, Mr. Gaya Prasad.
mad.	Uppi Saheb Bahadur, Mr.
Isra, Chaudhri.	Yakub, Sir Muhammad.
Jha, Pandit Ram Krishna.	Yamin Khan, Mr. Muhammad.
Krishnamachariar, Raja Bahadur G.	Zulfqar Ali Khan, Sir.

The motion was adopted.

The Honourable Sir C. P. Ramaswami Aiyar (Member for Commerce and Railways) : May I request you, Sir, to make a change in the order of business and take up the item standing against my name regarding the Bill further to amend the Indian Railways Act first. I am sure it will not take time because I am going to accept the motion.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : No, no ; you opposed us that day, and so we are going to oppose you to-day.

The Honourable Sir C. P. Ramaswami Aiyar : All that I am asking is that, if it is the pleasure of the House to allow me to do so, I move it especially as I am going to accept the motion for circulation.

Mr. Gaya Prasad Singh : No, no.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable the Leader of the House wishes to ask permission to take up the Railway Bill now out of its turn on the order paper. It cannot be done without the consent of the House. Is it your pleasure to allow the Honourable Member to do so ?

Mr. Gaya Prasad Singh : No, Sir, we are opposed to it.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Those who are against it will please raise their hands.

(Several Honourable Members raised their hands.)

Permission is not granted.

Mr. Gaya Prasad Singh : You did not agree to our proposal that day.

THE LAND ACQUISITION (AMENDMENT) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I move :

“ That the Bill further to amend the Land Acquisition Act, 1894, for certain purposes, be taken into consideration.”

This Bill, Sir, as the House is aware, is one of three Bills, the object of which is to implement certain minor, but by no means unimportant, recommendations of the Royal Commission on Labour, which I am commending for the consideration of the House to-day. During the course of their inquiry, the Royal Commission on Labour made very detailed investigations into housing conditions in all important industrial centres. The results of those investigations are recorded in Chapter XV of the Report of the Commission and the House will, I am sure, agree with me that the picture is not altogether a pleasant one. There was, however, one bright spot, and that was the fact that in a number of centres enlightened employers of labour have made vigorous efforts to provide housing for their workmen. The Royal Commission remark :

“ Employers' housing schemes vary greatly ; some are admirable and others less so ; but the worst is usually better than the best of the alternative accommodation open to the workers.”

They went on to say :

“ With the best intentions, industrial concerns have been unable to provide for more than 10 to 40 per cent. of their employees, and it is unlikely that even the most prosperous industries could house all their workers without the active assistance, both financial and otherwise, of Government and municipal authorities.”

The Royal Commission found, Sir, that of the three parties most interested in the problem of housing labour—municipal bodies, Government and employers.—it was the employers who had done the most and the municipalities least, though the order ought to have been the reverse. They made various suggestions on the subject which are at present under the consideration of Local Governments, but there was one in regard to which they asked the Government of India to help, and that

is the suggestion embodied in this Bill. The Bill proposes that power should be given to Government to acquire the necessary building land in cases in which an employer is willing to construct houses for his employees. The Royal Commission recommended that employers who were willing to help their labour and wanted to make it efficient—for labour can only become efficient if it is housed in proper surroundings—should be given all the assistance possible and that they should not be held to ransom by fancy prices being charged for land which they wished to acquire. This Bill, therefore, is the outcome of that recommendation.

The proposal is not a new one ; an identical one was brought forward by the Industrial Commission of 1916-18, and again by the Coal-fields Committee of 1920. Local Governments were consulted about it as long ago as 1922, and their replies revealed a remarkable unanimity of opinion. Some of them went so far to give it their warm approval. But for various reasons, the most important of which was that it was bound up with more controversial subjects, no action has been taken on it till now, and it was left to the Royal Commission to revive this dormant question.

It may be asked why we are bringing forward this legislation on the eve of constitutional changes as the result of which Land Acquisition will undoubtedly be a provincial subject. Well, Sir, I cannot agree, and I am sure the House will endorse my view, that constitutional changes are any reason for postponing desirable measures of reform, and I am quite sure too that it will be the desire of this House that in this respect at any rate the Land Acquisition Act should be a model for the Local Governments in the days to come. That is all I need say about the main proposals of the Bill.

I should perhaps mention that the possibility that land acquired by employers to house their labourers may be devoted to other purposes is guarded against by the provision which Honourable Members will find in the Bill, that the houses must be erected within a specified time. Then, Sir, I should also perhaps draw attention to the fact that we propose to give power for the acquisition of land "for and in connection with the erection of dwelling houses for the workmen employed by the Company". We are, as the House knows, expanding the definition of "Company". I wish to draw special attention to those words "in connection with". They are intended to provide for the acquisition of land for drainage, sewage, open spaces and the like, for we are anxious that land acquired under these powers should not be used to erect replicas of the slums which the buildings are intended to replace.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I agree with the principle of the Bill, and I entirely agree that a private concern should be put on the same level as companies. I am quite willing that we should be ready to help individual concerns as much as we possibly can. But I have got a very strong apprehension in my mind which I hope the Honourable Member in charge of the Bill will be able to remove, and that is, about the misuse of the privileges which we give under this Bill. Suppose a person wishes to acquire a very valuable land in a town which he would like

[Dr. Ziauddin Ahmad.]

to use in building shops in future. He starts a bogus concern and acquires this land. He may build some cheap houses within a period of two years as required by the Act or use the houses already acquired with slight changes. Suppose after some time he closes the concern, and he uses this property as a profitable concern and builds houses thereon for lease. Therefore, some provision ought to be made as to what would happen to this property which has been acquired under this law, if the business is closed, and unless we make a provision of this kind, I am afraid that this Bill will be more misused than otherwise. Even under the existing rules, I have seen cases of misuse of the Land Acquisition Act. A rich man did acquire in a certain town very valuable property from a poor man, and he has built thereon a number of splendid shops and he is really using them for the sake of private benefit. So, unless a provision is made in this particular Bill as to what would happen to the acquired land and property when the individual concern closes down, I am afraid that this Bill will be very much misused, and I would request my Honourable friend in charge of this Bill to consider this aspect of the matter very seriously.

Mr. N. M. Joshi (Nominated Non-Official) : I am very glad that the Government of India have brought forward this Bill giving effect to one of the minor recommendations of the Royal Commission on Indian Labour. But I cannot help remarking that Government should not delay giving effect to the other major recommendations of the Royal Commission. Sir, the Royal Commission on Indian Labour has made several important recommendations. I am aware that at present there are two Bills before this House giving effect to two of the important recommendations of the Royal Commission on Indian Labour. At the same time I feel that there are others which are equally important or perhaps more important than the recommendations which are already dealt with. I may state for instance that the recommendation of the Royal Commission as regards provision for maintenance during sickness of the working class people is more important, and Government should take early steps to give effect to it. Another recommendation of the Royal Commission is as regards provision for maintenance during the unemployment of the working classes. I see that Government have taken no steps so far and I therefore feel that they should not delay any longer giving effect to the major recommendations of the Royal Commission on Indian Labour.

As regards this Bill, Mr. President, I feel that it is a matter of great importance that proper provision should be made for the housing of working classes. In India the working classes are not properly housed. It is a patent fact. For instance, in Bombay more than 90 per cent. of the working class population is housed in one-roomed tenements, and if you look into other cities, you will find practically the same conditions prevailing. Therefore, it is necessary that every step should be taken to improve the housing conditions of the working classes in our country. So far as I am concerned, I feel that the duty of providing houses to the working classes in this country should be undertaken by the provincial Governments as well as by the municipalities. It is their proper function to provide houses to the working classes in the country. Unfortunately, in our country both the provincial Governments and the municipal governments

have not yet adequately realised their duty towards the citizens of this country, and it is for that reason I feel that the working classes have to be content to live in the houses provided by their employers. It is not the best way of housing the working classes, namely, that the houses should be provided by the employers. I hold that it is not quite desirable that the worker should live in the house which is provided by the employer. When a worker lives in a house provided by his employer, he somehow feels that he is a workman all the twenty-four hours of the day, and he does not develop a sense of freedom to the extent to which he would do if he lives in a house provided by the provincial Government or by the municipality. I would therefore prefer working class men living either in their own houses or in houses provided by a public body, but unfortunately, public bodies do not provide houses, at least sufficient housing accommodation for the working classes. Therefore, the working classes have to be content with the houses provided by the employers. Under these conditions I think it is our duty to give facilities to the employers to acquire land whenever land is necessary for the purpose of housing the working classes. I therefore welcome this Bill. I agree with Dr. Ziauddin Ahmad that as we are proposing by this Bill to take compulsorily the land of one private owner in favour of another private owner, care should be taken that whenever the purpose of acquiring the land is not served at all, the land should either go back to the State or to the previous owner. Mr. President, I support this motion.

Mr. K. P. Thampan (West Coast and Nilgiris : Non-Muhammadan Rural) : I am entirely at one with Government in their effort to give effect to the recommendations of the Royal Commission on Labour, but, Sir, I am afraid, this Bill goes a little further. The Royal Commission made recommendations only with regard to the housing schemes for labourers. Clause 3 (b) says that land shall be acquired when :

“Such acquisition is needed for the construction of some work, and that such work is likely to prove useful to the public.”

I am only a layman and from what I understood from the speech of the Honourable Sir Frank Noyce, it is intended that such work is connected with drainage and other things connected with housing schemes. If that is so, it is better to make the section clearer. Sir, in that part of the country from which I come there are many cottage industries which may be extended and brought under what are called industrial works. For instance, in Malabar, coir making is a cottage industry. You can develop it into a big industry where hundreds of people might work. There is the fish curing industry along the sea coast. This is a cottage industry but there are also large works employing hundreds of people. If a man having a business of this kind wants to purchase another's property and the owner is not amenable to his terms, it is easy for the former to avail of this section ostensibly to build a quarter or two for his labourers or dependants and ask Government to acquire the land. He might even wind up the business after some time and continue to enjoy the acquired property. What I apprehend is that clause 3 (b) is likely to be abused. I am anxious to make it applicable only to particular kinds of industrial works that are likely to prove useful to the public. With regard to housing schemes connected with large factories, I agree that the proposals are reasonable and to that extent I would lend my support to the Bill.

Mr. G. Morgan (Bengal : European) : I rise to support the principle of this Bill. It is very necessary for companies—and included in companies under this new section are all industrial concerns—that they should be able to secure land without having the market held up against them when they want to build houses for their workmen. I have a good deal of experience of the acquisition of land for industrial concerns. When a question of this kind arises, it is very often found that you can acquire every bit of land except the most important part which is held up for a fancy price in the market, and therefore I support the objects of this Bill in enabling concerns and companies to secure land for dwelling houses.

With regard to what my Honourable friend, Dr. Ziauddin Ahmad, said, I also have a feeling that clause 3 (b) might lead to abuses, but I have no doubt that the Honourable Member in charge will be able to enlighten us on the actual meaning of that clause. With regard to what Dr. Ziauddin said about the time within which the dwelling houses shall be erected under clause 4 (b), what happens to the land if those buildings are not erected. One would like to know what happens to the land—whether the person who buys the land will be punished or penalised in any way. I do agree with Mr. Joshi when he said that Provincial Governments and municipalities had entirely neglected their duties in this matter. I have some experience of that also. I am told that in Madras loans are given by the Provincial Government to the municipalities in order that they may carry out building schemes for the working and labouring classes. Those are the only points I wish to make with regard to this Bill. I heartily support the principle of the Bill.

Mr. A. G. Clow (Government of India : Nominated Official) : I am very glad, Sir, to find that the Bill has received so much support, particularly from Members who do not always find themselves in agreement on other subjects and I hope that I shall be able to satisfy those Members who felt doubts with regard to certain provisions of the Bill. Perhaps I might deal first with the point raised by my Honourable friend, Mr. Thampan, and my Honourable friend, Mr. Morgan, who raised the same point, regarding (b) of clause 3. The answer to them is that (b) is only there, because the draftsman chose to put it there. In other words, it is in the existing Act. (a) is the new part of this, and (b) is the old part. The existing section, after the preliminary part, reads :

“(a) that such acquisition is needed for the construction of some work, and (b) that such work is likely to prove useful to the public.”

What the draftsman has done is to put in a new bit as (a).

Mr. K. P. Thampan : May I say that the old Act confined its scope to companies. Here you are extending it to individuals. It is, therefore, feared that the abuses might creep in.

Mr. A. G. Clow : What abuse does the Honourable Member exactly fear ?

Mr. K. P. Thampan : The old Act empowered acquisition only for works of companies. It is intended by this Act that that privilege should be extended to private individuals also. Human nature being what it is, individuals may have ulterior motives and are apt to abuse this privilege. There is good deal of difference between acquiring land for a company of

established reputation and public utility and doing it for private individuals who have not got to render an account of their conduct to any one.

Mr. A. G. Glow : I agree that there is some difference but I am not sure that I entirely agree with the view that individuals would be less scrupulous than a company.

However, there are other safeguards to which I would invite the Honourable Member's attention and also the attention of Dr. Ziauddin Ahmad who had, I think, the same fear. The case put both by my Honourable friend and Dr. Ziauddin Ahmad was that of a rather spurious concern which, in order to get hold of certain valuable land—I think Dr. Ziauddin Ahmad suggested they were getting it cheaply—pretended or purported to start a housing scheme. As regards the question of getting land cheaply, my own experience of the Land Acquisition Act does not by any means show that to be a cheap method of acquiring land and certainly there is no intention that land should be acquired on favourable terms. But the real safeguards lie, first, in the fact that this Act does not enable a buyer to acquire land as of right. It is subject in every case to the consent of the Local Government ; and without that consent, which can be refused, as I read the Act, without assigning reasons, it is impossible for the employer to proceed. I think the Local Governments can be trusted to see that cases like those put forward by the Honourable Members do not get very far. There is, however, a further safeguard in section 41 of the original Act, in which the person or company acquiring land shall be required—this is obligatory—to enter into an agreement with the Secretary of State for India in Council to provide, to the satisfaction of the Local Government, for a number of matters. These matters include “ the terms on which the land shall be held by the company ”. I am perfectly sure that no Local Government would allow land to be acquired spuriously which was not really wanted for the purpose professed. It can also prescribe “ the time within which, and the conditions on which, the work shall be executed and maintained ”. So far I think these safeguards have been found adequate in practice for the acquisition of land for other purposes by companies and I see no reason why they should prove less adequate in the case of housing schemes.

My Honourable friend, Mr. Joshi, made what some think is his usual speech on every Bill connected with the Labour Commission, and suggested that we were somewhat dilatory in not putting forward all the recommendations at once. Sir, we are making progress, as I think the House will agree, at a very reasonable pace ; and I have always felt myself that to bring forward great blocks of proposals on the lines of the Labour Commission's suggestions simultaneously would defeat the purpose which I know Mr. Joshi has at heart. I entirely agree with him that there are dangers in depending on employers for houses. But experience has shown that such progress as we have made has been made to a considerable extent by employers, and we should have been in a sorry position today if the leading employers had not taken the steps that they have. We have got to make the best of the circumstances, and I for one in the present conditions would welcome anything that the leading employers are prepared to do towards meeting a want which, it must be admitted, is very sorely felt.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I fully support the Government in connection with the principle underlying this Bill. It is time that the acquisition of land needed by companies or by other industrial concerns for the housing of labour should be facilitated. Sir, the last speaker referred to section 41 of the Land Acquisition Act, but I doubt whether that section will apply in this case at all, having regard to the provisions made under clause 4, sub-clauses (b) (4) and (b) (5) of the Bill. Every acquisition by a company was conditional on the observance of certain conditions and the Local Government had the right to allow the land to be acquired for the purposes of a company and the company has to enter into arrangements with the Secretary of State as regards the conditions upon which the works shall be executed and as regards the conditions upon which the public shall be entitled to use the work. Here the amendment takes away that provision. So far as regards land required for the construction of houses for workmen is concerned, the acquisition is to be treated as being for a public purpose and the public are not entitled, as mentioned in sub-clause (5), to have use of the same. There are two provisions. The first provision is irrespective of whether it is for a public purpose, the Government's idea being that when a land is required for the purpose of housing workmen, that is considered as for a public purpose. The second provision which is there in the Land Acquisition Act also talks of a public purpose which has to be proved to the satisfaction of the Local Government. But in the other, no public purpose is mentioned, the housing of workmen being assumed to be a public purpose. In clause 3 (b), provision is made for acquisition, not necessarily for the housing of workmen, provided the work as is likely to prove useful to the public. That qualification is only in the case of lands which are required *not* for the purpose of housing accommodation, you have now made in clause 3 (a) provision which refers to the new power which you are giving not to companies but to private individuals and private industries who require land for housing purposes. In that case you assume that it is a public purpose, and it is not necessary for the acquisition to show that it is for a public purpose or that it will prove useful to the public. Section 5 which is now in the Land Acquisition Act says that where the acquisition is for the construction of any other work, namely, for work not necessarily for workmen, there you have to show, what ? You have to give the time within which and the conditions on which the works should be executed and maintained and the terms on which the public shall be entitled to use the work. In this particular case, the law is as it was before. You have to show that the public shall have the same right to use the work, whereas in the case of workmen's dwelling houses you have not to show whether it is for a public purpose or that the public will have a right of use. Under the circumstances a private industrial concern may acquire land ostensibly for housing accommodation for workmen, but ultimately he may use same for some other purpose there being no such agreement for continual user as is required under section 41 of the Act and sub-clause 4 (b) (5) of the Bill. These are defects which ought to be remedied so that these objections made by Dr. Ziauddin Ahmad may be met. Now I do not know, when a company or individual takes land for the purposes of work, what might be the conditions upon which the public can use it. I had occasion to acquire land for a company, and I do not know, except by putting in some bogus clauses to satisfy the sections, how Government can be

satisfied with the condition that the public can use it. With these remarks I support the Bill, and I hope these matters referred to before will be considered.

***Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, at the very outset I may say that the Bill, as introduced, and the clauses therein, are not only unsound but even very dangerous as well, especially when I read clause A, where I find the words :

“ An industrial concern, owned by an individual or by an association of individuals and not being a Company.....”

I take objection to the word “ concern ”. The word “ concern ” is not defined in this Bill. Any small blacksmith or silversmith or anybody may put up a small shed at any place near any dwelling-house. He can employ a certain number of people in his shop and the next day he might rush in and say that his small shop is a concern. He can claim the right to have the houses near about his concern, which cannot, in any good sense, be called a “ concern ”, acquired under this Bill. I submit that this is a kind of Bill which will help capitalists against the poor people. So, I submit that either the word “ concern ” should be defined or the words “ owned by an individual ”. It is also mentioned in the Bill that this small concern will be called a company. I take objection to these words. Either they should be explained properly or they should be put in a proper form so that these mischiefs may not be committed by the operation of this Bill.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, in spite of the assurance given by my Honourable friend, Mr. Clow, I think, I am unable to agree with the view expressed by the Honourable Members from the Treasury Benches. In the first place, Sir, my great complaint is that these Bills, about which there ought to be no hurry, are, without being circulated for public opinion and without being referred to Select Committee, at once introduced in the House for the first time for consideration. The ordinary procedure of the House is that every Bill should first be circulated for public opinion and after the public opinion is taken it should be referred to a Select Committee when the Members may have time to make necessary amendments after accepting the principle of the Bill. But now-a-days I find that usually Government Bills are at once introduced and the consent of the House is sought for for their consideration. Sir, you are custodian of the rights of this House and I consider that this is an infringement of the privileges of the House.

The Honourable Sir Frank Noyce : May I point out, Sir, that it was open to the Honourable Member to put in a motion for circulation, but he has not done so. Therefore, I find it a little difficult to understand his attitude now.

Sir Muhammad Yakub : We may or may not move such an amendment, but my complaint is a general complaint. It ought to be the duty of the Government to bring all their measures in the ordinary way laid down in the procedure. It must be only in very urgent cases or in

**Speech not revised by the Honourable Member.*

[Sir Muhammad Yakub.]

exceptional cases, when Government thinks that circulation or reference to a Select Committee would defeat the real object, that they can dispense with the ordinary procedure ; but usual procedure must always be followed in ordinary circumstances. And I appeal to you, Sir, that you will not allow the Government Members to dispense with the ordinary procedure and adopt the extraordinary procedure about every measure which they bring before the House.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member has already been told by the Member in charge that it was open to Honourable Members to give notice of amendments both for circulation and for reference to Select Committee. The Chair cannot interfere with the procedure laid down in the rules and standing orders. The Chair should like to point out that if there is a very strong feeling in the House in that respect and an amendment for reference to a Select Committee or for circulation is proposed to be moved, the Chair, by virtue of the discretion that is vested in it, will allow such an amendment without previous notice.

Sir Muhammad Yakub : Sir, I would certainly blame the Government. Of course, it is also our fault. But the ordinary procedure is this that two or three days before the meeting the notice or agenda for the Government business is sent to the Members in a bundle and it is just possible that sometimes certain Bills or certain motions slip from the notice of the Honourable Members.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. It might escape the attention of one Member but not of all the elected Members !

Sir Muhammad Yakub : It is the fault of the Members. But I do think that it is also the fault of the Government that they wish to adopt the extraordinary procedure on ordinary occasions. Everybody would admit that to dispense with the first two stages laid down in the procedure should only be resorted to in extraordinary circumstances. If, on the other hand, extraordinary measures or extraordinary procedure becomes the ordinary procedure, then what is the use in the procedure of having a Select Committee stage or a stage for circulation. Is it only for non-official Bills ? Is it only to stop the passage of the non-official Bill that these two stages are put down ? I leave it at that, and I hope that the Honourable Members of the Treasury Benches will make note of it for the future.

As regards the provisions of the Bill, as I submitted, in spite of the assurance given by my Honourable friend Mr. Clow that the matter would be left to the discretion of the Local Governments, I still find myself unable to support the Bill. What the term " Local Government " means in common parlance, we all know. It is all very well to talk of a Local Government in this Assembly but in matters like this, who is the Local Government ? A Patwari or at the most a Tahsildar.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Will the Honourable Member allow the Member in charge to make a statement ? I will allow him to resume his speech.

The Honourable Sir Frank Noyce : Sir, I cannot agree with my Honourable friend who has just spoken that Government have adopted any extraordinary procedure in this matter. The Leader of the House is in a better position to reply on that point than I am, but it is not an uncommon feature of Government procedure for them to move for the immediate consideration and passing of a Bill in regard to which they consider it likely that there will be general agreement from all parts of the House. The best way of ascertaining the feeling of the House, I think, is by a motion for circulation or for reference to a Select Committee, and I may point out that in regard to this measure no such motion has been made. It appears, however, that the House is not altogether satisfied on some points in connection with this Bill and I have no objection whatever to circulating it for opinion. If I had had, before bringing my motion today, any intimation that the House would like the Bill to be circulated, I should have agreed to it at once.

Sir Muhammad Yakub : If the Honourable Member is willing to accept an amendment, then with your permission I move the following amendment.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Chair was going to suggest that very thing to the Honourable Member. He may move an amendment for circulation.

Sir Muhammad Yakub : With your permission, Sir, I move that the Bill be circulated for eliciting public opinion thereon.

Sir Lancelot Graham (Secretary, Legislative Department) : On a point of order, Sir. When an amendment is moved for circulation of a Bill, the Standing Order requires that a date should be mentioned by which the opinions are to be obtained.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Will the Honourable Member please state the date by which the circulation is to be completed ?

Sir Muhammad Yakub : Opinions may be called for until 31st January, 1933.

The Honourable Sir Frank Noyce : May I suggest that the date might be 1st January, 1933 ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Before the Honourable Member writes out his amendment, the House knows what it is and if no Honourable Member wishes to address the House, I will put the amendment to vote.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : I just want to speak on the method and procedure. I would like to draw the attention of the Government Benches to an aspect of the case that requires consideration. It is this ; sometimes there may be a Bill which it would be advisable to pass straightaway by going through all the stages from the first reading. But the procedure adopted by Government is likely to prevent the House from allowing that to take place, because the date on which it is introduced and the date on which the

[Sir Cowasji Jehangir.]

first reading takes place does not give the people at large in the country an opportunity of knowing the provisions of the Bill. It very often happens that a Bill may be a very simple one, but India is a very large country and a Bill passed in this House concerns the whole of India. Therefore, if the Government would so arrange their business as to allow a certain lapse of time between the introduction and the first reading of the Bill, they might find that they would get their Bills passed at the first reading. Sir, I have had occasion to complain about a Bill that was introduced in this House in this session. It looked on the face of it a very simple measure. As a matter of fact, it contained principles of a very far-reaching character. Fortunately for us on that occasion, as we have on this, a very reasonable Member of Government agreed not to have the first reading until a certain date. The result has been that we have had an opportunity of consulting expert opinion. If the Leader of the House would take this point of view into consideration, I think it would be both to the advantage of the House as well as of the Government.

The Honourable Sir C. P. Ramaswami Aiyar : Inasmuch as the Honourable Member has referred to me and asked that consideration should be paid to the aspect which he has put forward, I may at once assure him that Government are fully alive to the points indicated by him. The only matter that I wish to dwell upon for a moment is this, that my Honourable colleague, the Member for Industries and Labour, evidently thought that on this Bill, in view of the recommendations of the Labour Commission, there would be practically no difference of opinion. It was in the course of the debate that a difference of opinion manifested itself and I may assure the Honourable Member that whenever the Government consider that there is the necessity either for circulation or for detailed consideration in the Select Committee, it will be their endeavour to follow that mode of procedure.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That the Bill further to amend the Land Acquisition Act, 1894, for certain purposes, be circulated for the purpose of eliciting opinion thereon by the 1st January, 1933.”

The motion was adopted.

THE INDIAN EMIGRATION (AMENDMENT) BILL.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I move :

“ That the Bill further to amend the Indian Emigration Act, 1922, for certain purposes, be taken into consideration.”

I may state that this is a simple and innocuous measure. It has been introduced as a result of experience gained of the working of this Act. We have found, as is stated in the notes on clauses, certain deficiencies in the Act. It is the policy of Government, and also the policy of this House, that assisted emigration shall not take place except in strict conformity with the provisions of this Act and the rules made thereunder. The defects revealed by experience point to three *lacunae*

in our law and the rules ; firstly that there is no legal sanction for insisting that only licensed persons shall recruit for the purpose of assisted emigration. That defect, we propose to set right by the provisions of clause 2 of this Bill. The second defect is that, when a person has been produced before a court for assisting some one to emigrate without conforming to the provisions of the Act or the rules made thereunder, the courts have insisted that that by itself is not sufficient, to secure conviction and that the element of inducement in the sense of enactment should also be proved. Now, Sir, what we have been aiming at is the penalising of any form of assistance which is given outside the purview or the provisions of the Act and the rules thereunder. That, Sir, is responsible for the provision in clause 3 (a) of the Bill, *viz.* :

“(a) in clause (b) of sub-section (2), for the words ‘ induces, or attempts to induce ’ the words ‘ causes or assists or attempts to cause or assist ’ shall be substituted.”

The third defect which has come out in the course of experience is that a breach of the rules *per se* is not punishable under the provisions of the Act. That, Sir, is responsible for the provisions which we are making in clause 3 (b) of the Bill.

Clause 4 merely carries out consequential amendments in the other sections of the Act, by substituting for the words ‘ induces, or attempts to induce ’ whenever they occur, the words ‘ causes or assists or attempts to cause or assist ’.

That, Sir, is all the explanation that I need give to the House with reference to the objects and origin of the Bill. Sir, I move that the Bill be taken into consideration.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Motion moved :

“ That the Bill further to amend the Indian Emigration Act, 1922, for certain purposes, be taken into consideration.”

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. G. S. Bajpai : Sir, I move that the Bill be passed.

The motion was adopted.

THE CANTONMENTS (AMENDMENT) BILL.

Mr. G. R. F. Tottenham (Army Secretary) : Sir, I move :

“ That the Bill further to amend the Cantonments Act, 1924, for a certain purpose, be taken into consideration.”

I do not think that I need detain the House for more than one or two minutes on this small Bill. The Bill is designed to regularise a peculiar position which has arisen in one single cantonment, that is to say, in Quetta. As explained in the Statement of Objects and Reasons, the law requires that the Officer Commanding the station should be the President of the Cantonment Board. Now it so happens that in Quetta the General Officer Commanding in Chief, the Command, has assumed

[Mr. G. R. F. Tottenham.]

direct command of the troops in Quetta owing to the abolition, for reasons of economy, of the Baluchistan District ; and I do not think it needs any argument on my part to urge that it would be unreasonable to expect that an officer of the status of General Officer Commanding in Chief should assume the duties of President of the Cantonment Board. Apart from anything else, the General Officer Commanding in Chief is the appellate authority under the Cantonments Act, and a very anomalous position would arise if the provisions of the law were strictly enforced in this case in Quetta. We therefore merely seek to amend the Act in order to regularise the position in this particular cantonment.

Sir, I move that the Bill be taken into consideration.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. G. R. F. Tottenham : Sir, I move that the Bill be passed.

The motion was adopted.

The Assembly then adjourned for Lunch till a Quarter Past Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Three of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

THE CHILDREN (PLEDGING OF LABOUR) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I move :

“ That the Bill to prohibit the pledging of the labour of children be taken into consideration.”

India is a land which has always been famous for kindness to children ; and therefore it must have been a matter of great regret to all well-wishers of this country and to lovers of children that the Royal Commission on Labour should have discovered a blot on its fair fame in this respect. From places as far distant as the *Bidi* factories of Madras, the cotton mills of Ahmedabad and the carpet factories of Amritsar it found that the conditions in which children were working were most unsatisfactory. Poverty and illiteracy have had the same dire effects in this country as they had in England in the early days of the Industrial Revolution. Fortunately the world has advanced a hundred years since then and the evil here is not as deep-seated or as widespread as it was in the days when Elizabeth Barrett Browning wrote that very poignant poem, “ The Cry of the Children ”. But that there are abuses and serious abuses cannot be denied and it is I think the duty of the Government and the duty of this Assembly to see that they are removed as speedily as possible. The Royal Commission made various recommendations in that respect. With some of them,—a considerable number in fact,—we propose to deal in the amended Factory Act which will come up for the consideration of this House in due course.

It is with one and only one that we propose to deal in the Bill which is now before the House. That one is the pledging of the labour of children, that is the taking of advance by parents or guardians on agreement, written or oral, mortgaging the labour of their children. The Royal Commission on Labour spoke in very strong terms about this. They described the system as worse than the system of indentured labour, as the indentured labourer is, when he enters on his contract, a free agent whilst the child is not. Now, India has repudiated and repudiated very emphatically the system of indentured labour in regard to adults both in this country and overseas. Surely it is a small matter to do the same thing for the children. In the course of the debate last week my friend, Mr. Joshi, was referred to on several occasions as the only member for labour in this House. I am quite certain that where children are concerned we are all of us without exception members for labour (Hear, hear) ; and it is in that sure and certain confidence that I commend this Bill for the consideration of the House. I would only add that in view of what befell in regard to the first Bill for the consideration of which I moved to-day, that if there is any general feeling regarding the desirability of circulation I am prepared to accept a motion to that effect, though I must confess that I wish that the House would allow me to proceed with all stages of this Bill at once. Sir, I move.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I beg to move :

“ That the Bill be circulated for the purpose of eliciting opinion thereon.”

The reason for moving this amendment is a very simple one. First of all, I want to know whether the system of pledging the labour of children is prevalent in this country or not.

Mr. N. M. Joshi (Nominated Non-Official) : It is in the Report.

Mr. M. Maswood Ahmad : I am coming to that. If this system is not existent, this measure is not at all required ; and if, on the other hand, it is prevalent, then this Bill aims to change the existing system which may affect a large section in the country. I say that this Bill, if enacted into law, is bound to affect the industries and labour of this country to a very large extent. The opinions of the industrial and labour unions are not before us. Only a week ago, this Bill was introduced, and I quite fail to realise why the Government are in a hurry to have this Bill passed. There is going to be no harm done ; in a month or two, the opinions of different Local Governments, High Courts and industrial organisations must be placed before us, before this House is asked to pass the Bill. To me the Bill appears to be very defective. There is no definition of the word “ labour ” in clause 2 of the Bill. All kinds of labour, whether domestic or industrial, hard or light, come within the scope of the Bill. In clause 2 of the Bill, you will find that “ an agreement to pledge the labour of a child ” means an agreement, written or oral, express or implied, whereby the parent or guardian of a child, in return for any payment or benefit received or to be received by him, undertakes to cause or allow the services of the child to be utilised in any employment. Is not this definition too wide ? If any person makes a contract that his son or ward will work or serve as a domestic servant, it comes within this definition. If any one makes a contract for

[Mr. M. Maswood Ahmad.]

the labour of a child, who may be even by one day below fifteen years, then he can be prosecuted. Some might say that employment is not criminal, but the pledging of labour is criminal. In 99 per cent. of cases in any employment there will be an undertaking—call it by any name you like, contract or pledge. The amount to be paid for the services rendered will be consideration of the contract ; and this amount may be called reward or anything else. So there can be no employment without a contract of work, contract of time and contract of salary. As far as I can understand, the law wants children under 15 to remain idle.

My fourth point is that the Bill is silent on many points. It does not mention anything about the case being cognisable, bailable or compoundable.

My fifth point is that it is very difficult to check child employment. Contracts are bound to be entered into after this Bill becomes law, but these contracts will be oral ; and, like the Child Marriage Restraint Act, this new law will only be operative when there will exist some kind of enmity between the parties.

My sixth objection is as to what would happen to those pledges that would have been made before the passing of the Bill. There is no mention about that in this Bill.

My seventh objection is that in the Statement of Objects and Reasons, it is said that in some cases the children so pledged were subjected to particularly unsatisfactory working conditions. But, without any pledging, the children can be subjected to unsatisfactory working conditions. There is not a single word in the Bill for making these unsatisfactory working conditions penal. Government want to make the pledging of child labour penal and not the unsatisfactory conditions. These are the great defects in the Bill. Further, Sir, much has been said in this Bill about the recommendations of the Royal Commission on Labour, and Government have also, in the Statement of Objects and Reasons to this measure, stated that " The Commission considered that the State would be justified in adopting strong measures to eradicate the evil " and so on, and my Honourable friend, Mr. Joshi, has also asked us to read the Report of the Royal Commission. But, Sir, what do you find at page 102 of the Report of the Royal Commission on Labour ? This is what they say :

" But as there may be other questions of policy to be taken into account, we commend the proposal for examination by Government."

They do not say that this action of pledging should be made penal. Their final decision on this point is this :

" In any case we recommend that a bond pledging the labour of any person under the age of 15 years executed for or on account of receipt of any consideration should be void."

They do not say that this act of pledging should be made penal at all. They only want that this act of pledging should be void.....

The Honourable Sir Frank Noyce : May I correct the Honourable gentleman ? The Royal Commission on Labour definitely state that

the giving of advances to secure the labour of children and the execution of bonds pledging such labour could both be made criminal offences.

Mr. M. Maswood Ahmad : Certainly, Sir, they have said so. But what have they added later on ? They say that :

“ As there may be other questions of policy to be taken into account, we commend the proposal for examination by Government.”

That shows that the Commission have left this matter entirely to Government.

Mr. N. M. Joshi : That is why Government have brought forward this measure.

Mr. M. Maswood Ahmad : Yes, but what is their final conclusion ? They were at liberty to suggest that this offence should be made criminal. Their final conclusion is that :

“ In any case, we recommend that a bond pledging the labour of any person under the age of 15 years executed for or on account of the receipt of any consideration should be made void.....”

Mr. A. G. Clow (Government of India : Nominated Official) : “ In any case.”

Mr. M. Maswood Ahmad : Yes, in any case ; but, Sir, when you are going to make a change in the history of labour legislation in this country, you must circulate this Bill and take the opinions of the High Courts and other Local Governments. Only two hours ago, my friend, Sir Muhammad Yakub, and other Members pointed out that Government should resort only to ordinary course. Therefore, I submit, Sir, that Government should circulate this Bill for eliciting opinions from the different High Courts, Local Governments and other bodies, and then send this Bill to a Select Committee before passing it into law. With these words, Sir, I propose that this Bill be circulated.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, I rise to offer my whole-hearted support to the measure which has been brought forward by my Honourable friend, and I strenuously oppose the dilatory motion which has been moved by my Honourable friend behind me. This is, after all, a very humanitarian measure, and my only regret is that it should have been left to the Royal Commission on Labour to induce the Government of India to sponsor a measure of this character. Sir, this piece of legislation was long overdue, and we must thank the Government for having brought forward a Bill of this kind which is calculated to remove a long-standing evil in the industrial and social life of this country. Sir, it is notorious that, as mentioned in the Report of the Royal Commission on Labour, pledging the labour of children in advance by their parents or guardians is a common feature in the industrial and agricultural life of this country ; and the sooner this evil is removed the better will it be for the welfare of such children in this country. Sir, a child has been described in the Bill to be a person who is under the age of 15 years, and the sort of agreement which is sought to be penalised is this—“ an agreement to pledge the labour of a child ” means an agreement, written or oral, express or implied, whereby the parent or guardian of a child, in return for any payment or benefit

[Mr. Gaya Prasad Singh.]

received or to be received by him, undertakes to cause or allow the services of the child to be utilised in any employment. This, Sir, is an evil which ought to be suppressed at once in the interest of health and the welfare of children. This is such a simple measure that I do not know what useful purpose would be served by circulating it to the country for opinion. After all, High Courts are bodies which have not much to do with the principles of legislation ; they have to administer the law as they find it ; and in matters of this nature some of the High Courts with reference to some other measures pertaining to the industrial and labour population of this country have declined to give their opinion on questions of policy. It would be useless, therefore, Sir, to delay the enactment of this measure into an Act, and I most strongly support it.

Mr. N. M. Joshi : Mr. President, I am very thankful to my Honourable friend, Mr. Gaya Prasad Singh, for having supported the measure brought forward by the Honourable Member in charge of this Bill. I was equally sorry, Mr. President, that it should have been left to a member of the Independent Party.....

Several Honourable Members : No, no ; he is not a Member of the Independent Party.

Mr. Gaya Prasad Singh : He is independent of every party.

Mr. N. M. Joshi : I was sorry that it should have been left to an Honourable Member opposite to bring forward a dilatory motion for circulating this Bill and thus obstruct the progress of this beneficent piece of legislation. Mr. President, some days ago, my friend, Mr. Moswood Ahmad, told me that he had sympathy with labour and he wanted to send notice of a Resolution in favour of one of my labour proposals. I did not doubt at that time what kind of sympathy my friend had for Indian labour. Unfortunately I now realise what sympathy he has for labour. Fortunately I did not take him very seriously at that time and did not spend my time and energy over giving information which he wanted from me.

Now, the proposal made by this Bill is a very simple one, and that proposal is that guardians should not be allowed to pledge the services of children so that the guardians should take the money and make the children work under whatever conditions the employers choose to offer. As the House knows, Sir, the Royal Commission on Labour went into this question very thoroughly and enquired into the conditions at several places. They saw the *Bidi* factories in Madras, and they have made a definite statement that in these factories sometimes the children do not escape even corporal punishment, and children employed are as young as 5 years old. This is what they say :

“ The paramount matter for concern, however, in a number of areas, particularly in the Madras Presidency, is the question of child (*i.e.*, boy) labour. In many cities large numbers of young boys are employed for long hours and discipline is strict. Indeed there is reason to believe that corporal punishments and other disciplinary measures of a reprehensible kind are sometimes resorted to in the case of the smaller children.”

As regards Amritsar, as my Honourable friend, Mr. Ahmad, reminded me, the conditions are not different. There too, corporal punishment is sometimes resorted to by the employers. This is what the Royal Commission says :

“ They were without the protection of the law as regards their physical fitness to labour, the number of hours they might be required to work without any interval, or, indeed any other of the more elementary protection afforded by the Factories Act in respect of child workers, and they were subjected in some cases to corporal punishment.”

Mr. President, there is not a single Member in this House who will maintain that such conditions should be allowed even for the period of three months which my Honourable friend Mr. Maswood Ahmad wants. The Royal Commission say that it is worse than indentured labour. Let me go further and say that these conditions are nothing short of slavery. Even in the case of slavery, if you make a slave of an adult there is difference, but here you are making a slave of a child and I am quite sure that this House is not going to tolerate these conditions even for three months. It was a pity that these conditions were not brought to the notice of the Indian Legislature long before, but when they are brought to the notice of the Legislature I am sure the House will pass suitable measures without delay.

Mr. President, the arguments used by my Honourable friend Mr. Maswood Ahmad seem to me not very serious, and perhaps I feel that he himself was not convinced. He said that the trade unions in India were not consulted. Does he know of any trade union which will support his motion ? I challenge him to point out to me one single trade union in India which will support the motion which he has brought forward ? I am sure that when he said that the trade unions were not consulted he was not talking on behalf of the trade unions but on behalf of somebody else. Then he mentioned about the definition of labour. The definition of labour is quite clear.

Mr. M. Maswood Ahmad : Is it not a fact that the trade unions were not consulted ?

Mr. N. M. Joshi : They have not been consulted because the Government knows what the trade unions will do. The trade unions will blame Government for not having passed a law so long. The definition of labour is given here. Labour means service. The definition of agreement gives the definition of labour, and you do not require any more definition of labour. Then my Honourable friend talked of domestic service. He said that the children will not be allowed to be used for domestic service. Yes, children will not be allowed, the labour of children will not be allowed to be pledged by parents for domestic service. I know as a young boy how we used to get our domestic service in our villages. We used to give loans of Rs. 25 or Rs. 50 to the father of the boy, and that boy had to serve the families for their lifetime for the sake of those Rs. 25 or Rs. 50 which the father had taken about 50 or 25 years ago. The evil is greater in the domestic service than in any other service. It is true that the evil of the domestic service is not seen. Why ? The evils that we find in the carpet factories at Amritsar, the *Bidi* factories in Madras and the important textile mills in Ahmedabad, somehow come to light, as they came to light on this occasion through the Royal Commission on Labour, but the evils of domestic service will never come to light. I therefore feel that it is absolutely necessary that the Bill should apply to all industries and all kinds of work including domestic service. Then, my Honourable friend Mr. Maswood Ahmad seems to have some sympathy with idle children. He said that if your children are not employed they will then remain idle. It is not the intention of the Royal Commission that children should

[Mr. N. M. Joshi.]

remain idle. They intend, as we all intend, perhaps including my Honourable friend, Mr. Maswood Ahmad, that the children in this country should receive very good education. The children of the poorest classes in this country should receive as good an education as his children and my children receive. Therefore it is nobody's intention that the children should remain idle. We all want children to be educated. But if you say that unless you make a provision for the education of children their labour should be pledged, I am not prepared to accept that proposition. Let the child be saved at least the troubles of work, working for 5, 8 or 10 hours in as bad conditions as are depicted by the Royal Commission on Labour. Let the children remain idle.

Mr. M. Maswood Ahmad : Why don't you make unsatisfactory working conditions penal ?

Mr. N. M. Joshi : I am coming to that. Mr. President, I would prefer children to remain idle, play in the open fields, or play even in the huts, to their working in the employers' houses, and being exploited by their parents and their employers. My Honourable friend asks, why don't you make bad unsatisfactory conditions penal ? Who is against ? Not I. I would make the pledging of children penal, and I am prepared to help my Honourable friend in passing a Bill for making any such unsatisfactory conditions penal. Therefore, I feel that there is absolutely no ground for circulating this Bill. This is a simple measure, a measure consisting of only five clauses, and what does it do ? In the first place, it makes it penal for a parent to pledge the services of his child. Secondly, it makes it penal for an employer to make an agreement with a parent who has no sympathy or affection for the child and is ready to pledge the child's services. Thirdly, the Bill also makes it penal for an employer to employ a child whose father has made an agreement with some other gentleman for pledging the labour of that child.

Sir, I was surprised this morning that a motion for circulating another Bill should have been made. Unfortunately, the Government showed willingness to accept that motion, and when Government and organised parties here combine they can do any mischief (Laughter), and they got the Bill circulated.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : But what happens when Labour and Government combine ? (Laughter.)

Mr. N. M. Joshi : The world would be very much better if Government and Labour combine. Mr. President, I hope, Honourable Members will not agree to the motion and obstruct the progress of this Bill even though the Government may agree to this motion.

Mr. J. A. Milligan (Bengal : European) : Sir, I rise to support this Bill, but I beg to point out what appears to me to be a flaw in the drafting. It seems to me that the Bill, as worded, will fail to achieve the objects for which it is intended. I allude particularly to clause 2 where an agreement to pledge the labour of a child is defined as an agreement entered into by a parent or guardian of the child. This would appear to leave it open to other persons to act as intermediaries in the matter and thus evade the objects of the Bill. If the demand for such labour continues, it seems probable that, unless the wording of the definition is amended, a class of suppliers of child labour will come into existence who would come

to terms with parents and guardians and pledge the labour of the children to employers and thus neutralise the objects of this Bill. As no offence would be committed, no question of abetment could arise.... (Mr. K. Ahmed : " Oh, yes. Section 362.").....nor would it be possible to make clauses 4 and 5 operative in such a case. This defect, if I am right in so describing it, would be removed either by substituting the word " person " for " parent or guardian " in clause 2, or by adding some such words as " or other person acting on behalf of or in collusion with a parent or guardian ".

Mr. B. R. Puri (West Punjab : Non-Muhammadian) : Sir, I regret I have to strike a discordant note. The principle underlying this Bill is no doubt acceptable to all right thinking people, but I find that the House in dealing with this subject is getting somewhat super-sentimental. I am afraid that the present Bill proceeds on the assumption that every kind of employment of children, necessarily involves a certain amount of cruelty. Now, Sir, I take it that the system of the employment of children is a recognised one in most of the western countries also. All that we have to see is that the particular employment of children involves no hardship or cruelty on them. For instance, having regard to their tender age, if we find that the hours of work are long or the nature of the work involves a certain amount of hardship upon the children, I think such a case would be a fit one where the State should step in and legislate, but every employment is not necessarily cruel. Take for instance the case of a parent who has got two or three children quite strong and fit to do the work. Are they to be allowed to go about and act like vagabonds, waste their time in streets and get into bad ways ? In such a case, I really do not see that he is committing any social or moral sin, if the parent sends them to a workshop or factory where the nature of the work and the hours of work do not entail any hardship or cruelty on them. Take a familiar parallel. You send your young children to school. They are made to go often crying at early hours, half fed and remain long hours, usually 6 hours. Does not that involve cruelty ?

The Honourable Sir Frank Noyce : I should like to ask the Honourable Member for whose benefit they are sent to school and for whose benefit they are sent to work.

Mr. B. R. Puri : But why should you assume that the work brings no advantage to the children. It is not as if they are made to work without getting any compensation for it. I welcome the measure. I approve of it but so long as the children of tender age are not put to any cruelty, the State has got no business to interfere and assume that every employment is cruel and thus to debar every parent from sending his children to a workshop or factory if that is in the best interest of the children.

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhammadan) : There is an amendment standing in the name of my Honourable friend Mr. Maswood Ahmad that the Bill be circulated for the purpose of eliciting public opinion by the 1st of January 1933. In Madras there are a number of *Bidi* factories which employ children between the ages of 7 to about 15 or 16. Those are the ages of children employed in the *Bidi* factories and it may be to some extent true that in some cases corporal punishment is meted out to some of these children. The conditions in Madras are not very happy.

[Mr. Muhammad Muazzam Sahib Bahadur.]

Mr. B. R. Puri : Corporal punishment is meted out in schools as well.

Mr. Muhammad Muazzam Sahib Bahadur : I do not think that the measure before the House is one which ought to be accepted as it stands. As a matter of fact the Bill does not make an exception in the case of domestic servants. If I employ a boy of 14 as my domestic servant I come under the Act. If that boy who is able bodied had not been employed by me or by any other, it is probable that his future life would have been altogether spoiled. In a country like this where we have not got free compulsory primary education, I think it is very hard that a Bill of this kind should be given effect to all at once. Although in some provinces education is made compulsory, still it is more or less in the same condition as the provisions of the Sarda Act. We all know how that enactment is being applied in practice and it is not much better in the case of free primary education wherever it exists. In that state of things I think it would be better to circulate the Bill for eliciting public opinion. Nothing would be lost by delaying it for about three months. This could be taken up in the January session at Delhi and in the meanwhile we should have the advantage of the opinion for and against a measure of this kind, though I feel at the moment that something should be done to remedy the hard cases of young boys who are made to work in the factories. There is a disease which calls for a remedy but is the remedy the one which the Honourable the Commerce Member suggests ? I think the remedy is quite the other way. As Mr. Puri suggested, there ought to be some check over the manner in which children are called upon to work. I support the motion for circulation for eliciting public opinion by the 1st January, 1933.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I am not denying the right of anybody to interest himself in looking after the welfare of small children. (Laughter.) I myself realize the hardship which is, sometimes, done to children by their employment in factories where they have to work very hard ; but we must see that the relief proposed by means of this Bill will really remove the harm which is done to children and that it will not increase their misery instead. Sir, the terms of the Bill, as placed before this House, are so wide that if it is placed on the Statute-book in the form in which it is here, it will do more harm, I am afraid, to the children in India than good. Sir, we know how poor this country is. We know there are thousands and thousands of children who are orphans and who are between the ages of twelve and fifteen. Now these children cannot get even one meal in every 24 hours, and the only way of securing some relief for them is afforded by their being employed with families for doing some petty work so that they can thereby get their food and clothing.

Sir Cowasji Jehangir : Are the families referred to in this instance making any advance in order to secure the services of these children ? If not, this Bill does not apply to them.

Mr. Gaya Prasad Singh : The "pledging" of labour alone is forbidden, not the employment of such labour ; and you must pay an advance.

Sir Muhammad Yakub : If the Bill applies only to cases where a sum of money is given in advance, then I have no objection to the Bill. (Hear, hear.)

†**Mr. S. G. Jog** (Berar Representative) : Sir, with due respect to the recommendations of the Royal Commission on
 4 P.M. Labour, I think I cannot agree with these recommendations. (Laughter.) I doubt very much whether the members of that Royal Commission were fully aware of the economic conditions in India. (Laughter.) Sir, the choice is between starvation and education and other comforts of life. Sir, in my sympathy with the labouring classes, I yield to none, I do not yield even to my esteemed friend, Mr. N. M. Joshi, the Labour Member (Hear, hear), but I am afraid sometimes he carries things too far. This measure, Sir, is of an extremely revolutionary nature, and it will affect every household not only in the towns but in the villages as well. Many of you probably have no idea as to how the labourer in the village lives, and what his annual income is. He has to support a family consisting of three or four people. Sometimes such a man may be a father or a grandfather and he has to maintain these three or four souls at least. He himself is not able to earn a livelihood even for himself. In these circumstances, what has he to do ? If he has got two or three sons of the ages of 12, 13 or 14 and, even if he takes a small advance from other people in the town or village, and if these latter engage them in their service and if these boys render their services there, I for one see nothing wrong in it. If these boys do not render some mild service which will suit their nature in childhood, the only result will be that these men will have no alternative but to starve out these small souls. (Hear, hear.) Sir, I know of many cases in the villages, especially in connection with agricultural operations, where they have got advances from such people and, in return, they render service in agriculture.

Mr. N. M. Joshi : Why should such people make money out of children by virtually employing them as slaves ?

Mr. S. G. Jog : Well, I know this is a regular practice in the villages, especially with people who have got agricultural holdings. In times of difficulty, in times of need, these people help their parents. Then there are occasions when the children of such poor people suffer from serious illnesses ; then they approach the *sowcar* or the landlord, who pay them advances, and, in return these poor people who are helped promise, when the child gets all right or any other people get all right, that the loan will be returned by their children rendering service in the household or in the village or in some other ways. I know a number of cases like this. It is a quite current practice in almost every village ; and, so far as I know, the relations between these people—the ‘ servant ’ class and the landlords—are not at all strained. Thus, happy and cordial relations subsist between the ‘ serving ’ classes and the landlords, not only from year to year but from generation to generation. (Hear, hear) (Ironical Laughter), and these wretched poor people render honest and useful service to their masters. Sir, I have not heard of any

[Mr. S. G. Jog.]

complaints of ill-treatment or any other kind of torture such as is complained of by the Royal Commission or by other enthusiasts of Labour. Sir, if the object of this legislation is to interfere in these matters, I think it would be very difficult to get recruits for our domestic services. (Ironical Cheers.) For instance, many of us have got small boys of ages 12 or 13 or 14 in our service ; they sometimes do whole-time services or short-term services, and whatever little we pay to them, that proves so very useful for their own maintenance as well as for the maintenance of their aged parents and other dependants. These people are sometimes given very good food also and very good treatment in other ways. I know of cases where these boys have lived for years together under the benevolent patronage and protection of such kind and affectionate masters.

An Honourable Member : It is "pledging" in advance which is objected to.

Mr. S. G. Jog : Well, whether it is pledging in advance or making payment afterwards, I for one cannot make out any difference. I cannot see where any unfair bargaining comes in if there is payment beforehand ; in fact it is just the other way. The landlord pays that man when he is actually in need of that money and by making that payment in advance he saves that family practically from a great catastrophe. Somebody in the family may be seriously ill, and this advance may come in very very useful, especially when we remember that when doctors are wanted, they want ready payment and will not be content with promises to pay. If, then, you make it impossible for advance payments to be made, these wretched poor fellows will then have no alternative but to witness the death of the child or any other member of the family or some other serious catastrophe. Sir, this Bill does not seem to be so innocent as it looks. It will affect every individual, every householder and every agriculturist, and its consequences would be serious. Only this morning, Sir, we heard the sermon from our esteemed friend, Sir Muhammad Yakub, that generally Bills should not be hurried through but should be circulated for eliciting public opinion. We, in this particular case, are interested in seeing what the classes that will be affected by this measure have got to say ; and as long as we do not receive any opinions of these people, this House has no right to rush through this Bill and to force it on people whose interests will be seriously and vitally affected. Sir, I support the motion for circulation.

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House) : Sir, in the course of this discussion, I am afraid one feature of the Bill is being lost sight of. This Bill does not purport to prohibit the employment of children. (Hear, hear.) In places where children can be and ought to be legitimately employed, so far as this Bill is concerned, no obstacle is thrown in the matter of such employment and no handicaps are created by it. What is sought to be prevented by this Bill is the mortgage of a human person, the pledge which in other forms we have all of us objected to so strongly when, for instance, the question of indenture came up. In other words, this Bill seeks to prohibit the mortgage or the pledge of a human person for the purpose of getting certain work done. I trust that the House will realise the

sacredness of human personality and take steps for preventing this mischief. Now, I may say at once that there may be detailed criticisms on this measure. If so, I have no objection and I have the authority of my Honourable colleague to say that he has no objection to a Select Committee, so that if any real improvement can be effected it can be effected speedily in the Select Committee. I trust that this motion for circulation involving what may be called a doubt as to the fundamental principle will be rejected as the principal is one on which, I submit, there ought to be no difference in this House. That motion should not be allowed. (Applause.)

Mr. M. Maswood Ahmad : May I know one thing, Sir. Whether the contract comes under this Bill or not ?

The Honourable Sir C. P. Ramaswami Aiyar : Any contract which a guardian may enter into for apprenticeship as such will not come within the mischief of this Bill. What is sought to be prevented is the mortgage or pledge under penalties attaching to such mortgage or pledge of a child.

Mr. C. S. Ranga Iyer. (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, after the speech of the Honourable the Leader of the House. I do not think there is much necessity to prolong this discussion. Already on the circulation motion we have had a good deal of discussion. Therefore, I suggest for convenience sake that the circulation motion may be immediately put and after that the Select Committee motion may be put, so that we may finish the discussion on this subject. So far as we are concerned, I believe the bulk of Members sitting on this side of the House are agreeable to the fundamental principle of this Bill.

The Honourable Sir Frank Noyce : As the Honourable the Leader of the House has already said, I cordially agree to a Select Committee.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That the Bill be circulated for the purpose of eliciting opinion thereon.”

The motion was negatived.

Mr. M. Maswood Ahmad : Sir, I move :

“ That the Bill be referred to a Select Committee consisting of Sir Hari Singh Gour, Mr. Lalchand Navalmi, Mr. Muhammad Muazzam Sahib Bahadur, Mr. S. G. Jog, Mr. G. Morgan, Mr. Badri Lal Rastogi, Mr. A. H. Ghuznavi, Kunwar Hajee Ismail Ali Khan, the Honourable Sir Frank Noyce, Sir Lancelot Graham, Mr. Azhar Ali, Mr. Gaya Prasad Singh and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

An Honourable Member : I suggest that the name of Mr. N. M. Joshi be also added to the list of the Members.

Mr. M. Maswood Ahmad : I have no objection to it. Sir, I have already said enough about the reasons and so on of this motion and I do not want to take up the time of the House on this motion.

Mr. G. Morgan (Bengal : European) : May I ask my Honourable friend to accept Mr. Milligan's name in my place ?

Mr. M. Maswood Ahmad : I have no objection to it.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Amendment proposed :

“ That the Bill be referred to a Select Committee consisting of Sir Hari Singh Gour, Mr. Lalchand Navalrai, Mr. Muhammad Muazzam Sahib Bahadur, Mr. S. G. Jog, Mr. J. A. Milligan, Kunwar Hajee Ismail Ali Khan, Mr. A. H. Ghuznavi, Mr. Badri Lal Rastogi, the Honourable Sir Frank Noyce, Sir Lancelot Graham, Mr. Azhar Ali, Mr. N. M. Joshi, Mr. Gaya Prasad Singh, and the Mover and that the number of Members whose presence shall be necessary to constitute a meeting of the committee shall be five.”

Mr. M. Maswood Ahmad : Mr. Puri's name may also be added.

The Honourable Sir Frank Noyce : I beg to move that the name of Mr. Clow be also added to the Committee.

Mr. M. Maswood Ahmad : I accept it.

Dr. Ziauddin Ahmad : May I suggest the name of Mr. Abdul Matin Chaudhury ?

Mr. N. M. Joshi : I propose the name of Mr. S. C. Mitra.

An Honourable Member : I propose that the name of Mr. Thampan be also added.

Sir Hari Singh Gour : The Honourable the Mover has not mentioned the date by which the report should be submitted. I suggest that it should be submitted on or before the 20th instant.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Amendment variously amended will now be read out to the House. It runs thus :

“ That the Bill be referred to a Select Committee consisting of Sir Hari Singh Gour, Mr. Lalchand Navalrai, Mr. Muhammad Muazzam Sahib Bahadur, Mr. S. G. Jog, Kunwar Hajee Ismail Ali Khan, Mr. A. H. Ghuznavi, Mr. Badri Lal Rastogi, the Honourable Sir Frank Noyce, Sir Lancelot Graham, Mr. Azhar Ali, Mr. N. M. Joshi, Mr. B. R. Puri, Mr. A. G. Clow, Mr. Abdul Matin Chaudhury, Mr. S. C. Mitra, Mr. J. A. Milligan, Mr. K. P. Thampan, Mr. Gaya Prasad Singh and the Mover, with instructions to report by the 20th instant and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The motion was adopted.

THE ANCIENT MONUMENTS PRESERVATION (AMENDMENT) BILL.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I am in the comparatively happy position of having to move :

“ That the Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes, as amended in Select Committee, be taken into consideration.”

Sir, changes have been made in the Bill by a majority of the members of the Select Committee and they have been fully explained in the report. I do not therefore think it necessary at this advanced hour to enter into an elaborate explanation of them. Sir, I move.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Motion moved :

“ That the Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes, as amended by the Select Committee, be taken into consideration.”

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : As a member of this Committee, I beg to support this motion. There are two important principles underlying this Bill which the Select Committee very carefully considered and adopted by a large majority. One principle was that all these monuments ought to be protected. Wherever the Government may have reasonable belief that there are some monuments of national importance in any particular area, then the Government should be empowered to protect that particular area. That is one principle underlying the Bill. The second principle, which is also very important, is that we should also have some method by which to find out what those hidden treasures are so that they may be brought out for use of the scientists. Anything unknown which is buried under the ground has practically got no scientific value and the students of history and the students of archaeology would be very much delighted if these ancient things are discovered so that they may build up the history as a whole. Unfortunately in these days, India has got no money. Had there been plenty of money available in India, then I would certainly have said that Government ought to have undertaken this process of exploration themselves, but on account of retrenchment of the Archaeological Department and on account of retrenchment in every other department, it is impossible for the Government of India to provide money for excavation purposes and therefore they want power so that these licenses for excavation may be given to any other licensee. That licensee may be Indian or may be a foreigner. An outsider company that might come in for excavation will not come in for nothing. No doubt a love of science will be the most prominent factor in their mind. But at the same time they would want antiquities we could spare for them. It is explicitly said that if only one article of a particular kind is found, then that article will be retained in India. It is also explicitly said that if anything valuable is found, it would also be kept in India. But if a duplicate is found—I must say at the same time, there is use for everything in India—and if we can spare one out of the duplicate, then that duplicate article may be given as compensation for all their labours and for the expenditure of all the money in the excavation processes. That is practically all they would get. Under this Bill the Government want power to make rules and the Honourable Member on behalf of Government explicitly said in the Select Committee that these rules which they would frame will be circulated among the Members of the Assembly and with this reservation, I think the objection raised by the minorities in this particular committee will disappear. It is really a very important statement in that these rules which will be framed the Assembly will have a chance to know what they are. Now, as the Bill, as amended by the Select Committee, has removed all those objectionable features, which I pointed out last, when it was first laid before the Assembly ; I have no hesitation in supporting the motion that the Bill be taken into consideration.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : I expected that on this Bill,—a very important Bill from the national point of view,—the Honourable the Mover would go into certain points for which assurances were given in the Select Committee and also to give his own assurance on the floor of the House in order to enable me to see

[Mr. Lalchand Navalrai.]

if the amendments for moving which I have given notice should be placed before the House. I hope the Honourable Member will make it clear that the safeguards that are contemplated by the amendments which I have tabled would be attended to. Now, Sir, I was a Member of the Select Committee of this Bill, and I felt that this Bill was a very important one from a national point of view. It is the duty of the nation, it is the duty of the country to preserve all the ancient monuments in the country. With that object in view, several points were raised in the Select Committee. My Honourable friend Diwan Bahadur Harbilas Sarda was very enthusiastic and very zealous about seeing that the antiquities do not go out of India. I am only sorry that my Honourable friend the Diwan Bahadur is absent owing to illness. The first point that was raised in the Select Committee was in regard to the antiquities not being sent out of India or commercially sold. It has not been uncommon that antiquities found in India have been sold for money. That is absolutely wrong. It was against such acts that safeguards were asked for. In the Select Committee, majority including myself accepted the assurance that was given which has been expressed by the Committee in these terms :

“ In this connection, it may also be mentioned that we are in general agreement that human relics of historic or religious importance should never be allowed to leave India and should always remain the property of the nation.”

That is what the Government accepted.

Then a second assurance was given which was that licenses will be given as far as possible to Indians only and not to strangers, for excavating these antiquities. But some of the Members did not accept that assurance alone, but they wanted this provision to be incorporated in the Act itself. I was one of those Members and I appended a minute of dissent. I have now that amendment standing in my name. I should like to know what the Honourable the Mover has got to say with regard to the question of incorporating that provision in the Act itself. The Report of the Select Committee says :

“ We discussed at length the proposal that provision should be made in the Bill itself that in granting licences preference should be given to Indians or to Indian associations. We received an assurance from Government that no conflict between applicants is likely to arise for many years to come, as applications will be very few ; and we were also assured that in the event of a conflict arising the policy of Government would be to give preference to Indian applicants. With these assurances we are content.”

That is what the Select Committee said, but even if there were not many Indians to come in for licences, a chance should be given to them, and it is not because it is expected that they will not come in large numbers, that there should be no provision made in the Act itself. My submission is that such a provision should be incorporated in the Act itself. The difficulty that was pointed out in the Select Committee was that in making a statutory provision, it would be extremely difficult to frame a suitable provision. I cannot understand this difficulty. When rules can be made with regard to it, I cannot understand why such a provision should not be incorporated in the Act itself. Sir, we have experience that when an Act is made it is made with very good intentions and in a good spirit but when rules are made much of the

spirit and the object of the Bill is whittled down. Therefore it is necessary in view of that experience that we ask that such statutory provisions be incorporated in the Act itself. So, if however it is not possible to directly put the matter into the Act, direction should be given in the Act itself that a rule to that effect shall be made, so that it may be a binding upon the rule-making people to insert that provision.

Next, one of my amendments attempts to restrict the power of Government to giving protection to only lands and plots and not buildings but the Bill as has emerged from the Select Committee applies to all areas. "Area" would mean an open plot, land or any building. But I submit that it should be limited to plots and lands and not extend to buildings, for it can be realised that it may be a very costly building where Government might think there are antiquities and they might demolish all that building and pay very little to the owner and cause him much loss ; for we know that under the Land Acquisition Act generally compensation is never adequate. That is also one of the things that the Honourable Member has to consider.

Then, Sir, I will also suggest that instead of leaving it to His Excellency to frame rules from the point of view of national importance, a committee consisting of non-officials from this House and some experts should be appointed to make the suitable rules.

One more thing which I would suggest, Sir, is that when Government protects a certain property which is private property. I cannot understand why if any antiquities are found from there they should not be divided with the original owner. Many a time there may be antiquities found which are of very great interest to the owner himself and they may be of value to himself and his family. In that case why should not a provision be made with regard to a division with the owner ? No such provision has been made in the Bill but an assurance has been given that a rule will be made with regard to the division of the finds between the lessees and Government. With regard to that also I submit that there ought to be either a clause inserted in the Bill itself or an assurance given that a rule to that effect will be made. With these words, I close.

The Honourable Chaudhuri Zafarulla Khan (Member for Education, Health and Lands) : Sir, so far as the principle of this Bill is concerned it has been accepted and endorsed by this Honourable House. There have been certain points raised by Mr. Lalchand Navalrai which are covered to a large extent by his note of dissent and also by the amendments that have been put in by him. He has desired that on behalf of Government certain points should be cleared up in order to put him in a position in which he may be able to decide as to whether he should move or drop all or some of the amendments of which he has given notice. He has made certain general remarks that this Bill deals with a matter of national importance and that it should be the duty of the country and of this House as representing the country to make efforts to preserve the antiquities and the treasures of the country. I can assure him that it is exactly with that object that this Bill has been introduced ; that Government consider that the proper method of preserving the antiquities of the country and the ancient treasures of the country is not to let them lie buried underground

[Chaudhuri Zafarulla Khan.]

where in course of time they may be destroyed but to expose them for the purpose of scientific knowledge, for the purpose of preservation and for the purpose of putting the ancient culture of India both before the sons of the country itself and before foreign nations. And it is with that object and in order to facilitate the achievement of that object that these amending provisions have been put before the House. With regard to the particular points made by Mr. Navalrai I should like to submit this. The first point made by him was that in the past antiquities have been sold to foreigners and have been taken outside the country and that this should not happen in future. It is just because unauthorised excavations have been going on in the past that provisions are introduced into this Bill that excavations shall in future be regulated. And once they are regulated all antiquities within the areas in which excavations are regulated shall become the property of Government and shall not be disposed of except in accordance with rules framed by Government. Therefore one of the objects which Mr. Navalrai has so much at heart will be achieved, that is to say, there shall be no unauthorised dealing with antiquities and the ancient treasures of the country. But the main point with regard to which he has been anxious is that in granting licences to firms or individuals for excavation Government should be anxious to give preference to Indian associations, Indian companies and Indian individuals; and he is anxious that such a provision should find a place either in the statute itself or at least in the rules and that for that purpose the statute should say that rules shall be framed to that end. He has read out an assurance contained in the Select Committee's report but he considers that that is not enough and he finds that he cannot understand the difficulties which might confront Government or the department or the authority or committee dealing with this matter. If these provisions are put in the statute . . .

Mr. Lalchand Navalrai : I also want an assurance on the floor of the House.

The Honourable Chaudhuri Zafarulla Khan : With regard to these difficulties I may proceed to submit that in a matter of this kind where a selection would have to be made in each individual case as it came up, it would be a matter of the greatest difficulty, if hard and fast rules were laid down either in the statute or in the rules themselves, eventually to make a selection. For instance, you might have an application from a *bona fide* archaeological society which is a foreign society with the necessary equipment and capital and with a past record which justifies the assumption that the application made by them is in the true interests of science and archaeology, as against an application made by an Indian association formed hastily for the purpose of opposing that application with no capital and no equipment.

Supposing you had a rule or a provision in the statute saying that you are always bound to give preference to an Indian association or to an Indian individual, what is the particular authority which has to decide the matter to do in such a case? It would be so much a matter of investigation, of testing the credentials as it were, of the applicant and a matter of the exercise of discretion that it could not possibly be properly regulated

either by the statute itself or by a hard and fast rule. With regard to the question that other things being equal preference shall be given to an Indian Association or that the provisions of this statute or of the rules under it shall not be made a cloak for sending the ancient treasures of India outside the country, I have not the slightest hesitation in giving an assurance that that shall not be done, and that the statute itself and the rules framed under it shall be administered in the spirit that having regard to the main objects of the Act which I have already described and keeping in view those considerations in order to secure which this Bill has been placed before the House, preference shall, other things being equal, be given to Indians. (Hear, hear.)

In regard to the other matters raised by Mr. Lalchand Navalrai, one matter could easily be disposed of. I think he is unnecessarily apprehensive with regard to the use of the words 'in any area' in clause 3 of the Bill. He thinks that the use of these words means that if Government consider or the department administering this Act considers that there are antiquities buried under a building, then this Act by itself gives them power to demolish that building. I am afraid there is a misapprehension with regard to the provisions of this particular Act. This Act gives the Government power to protect or regulate under this particular clause the excavation in any area, be it a building or open plot; but so far as the question of demolition is concerned, that can only be done if the particular building has been acquired by Government, because in any case they are bound to pay compensation; and so far as the question of acquisition is concerned, Mr. Lalchand Navalrai ought to know that even now if Government wanted to acquire any particular building for a public purpose, which would include excavation for archaeological purposes, the building can be acquired and can be demolished on payment of compensation; so that the mere use of this expression 'in any area' in this particular clause does not add to the powers of demolition or acquisition of the Government.

Mr. Navalrai has also raised the question of antiquities to be divided between the Government and the licensee and the private owner. That is another point which is also covered by the amendments which he has given notice of; but I do hope that I have said enough to enable him to make up his mind with regard to the amendments which he has put forward, when the specific provisions of this Bill are taken up for consideration, as to whether he wants to press all of them or not. With these words, Sir, I commend the Bill to the consideration of this Honourable House.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

"That the Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is that clause 3 stand part of the Bill.

Mr. Lalchand Navalrai : Sir, in view of the fact that the Honourable the Government Member has said that the words 'in any area' the subject of my amendment will remain in the Ancient Monuments Preservation Act itself and their definition in this Bill will not improve

[Mr. Lalchand Navalrai.]

the condition, I do not want to move that amendment. I also do not want to move the next amendment, but I want to move the third amendment, second part. I move :

"That in clause 3 of the Bill in sub-section (1) of the proposed Section 20A for clause (b) the following clause be substituted :

"(b) prescribing a provision in favour of antiquities found from private property protected, to be divided with original owner of the property if he wishes to have a share."

In moving this amendment I would ask the House to realise the position of the owner of a property. If it so happens that certain antiquities are buried in private property and that private property yields those antiquities, I do not understand in the least why the owner should not have a share in that. It is not a voluntary giving up of the possession of the private property. Under the Act what is permitted is that the Government can declare a certain area to be protected property of the Government, allow that property to be excavated and, if any property is found therefrom, it becomes the property of the Government. If a licence has been given for the purpose of excavation, then the justice of dividing those antiquities with the licensee is being recognised, but not with the owner to whom the property actually belonged. I think that will be absolute injustice. Therefore I submit that it is very important for the Government to consider why it should not, if the owner wants, be apportioned. There may be cases where the antiquities may be of such a nature that the original owner would like to have them to himself ; it may be some idol or something which he may cherish to keep in his own house. It may be a certain thing in which the family itself or the community is interested, and why should that not be divided with the original owner ? I do understand that he will get a price for the property, which I have already said may not be adequate, but even if he gets this for the property, I cannot understand why the antiquities should not be divided with him when they could be divided with lessees. With these words I move my amendment.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Amendment proposed :

"That in clause 3 of the Bill in sub-section (1) of the proposed Section 20B for clause (b) the following clause be substituted, namely :

"(b) prescribing a provision in favour of antiquities found from private property protected, to be divided with original owner of the property if he wishes to have a share."

†**Mr. Muhammad Yamin Khan** (Agra Division : Muhammadan Rural) : Sir, I oppose this amendment. Let us examine for a moment what my Honourable friend wants. He says that if the land belongs to him at present and the antiquities which had been buried in it, say 2,000 years, in which he or his ancestors had no share,—they never belonged to him or to his family, they had no connection whatsoever with him or with his family,—should have a share of them simply because he comes into possession of that land within say, four or five years. Now, Sir, I will give an example to my friend and convince him about the difficulties that will arise in his own province if his amendment is accepted. Sind nowadays mostly belongs to Muhammadan zemindars, and the antiquities that will be found there will be of a period when the Mussalmans did not visit that part of the country at all. Supposing a valuable relic is found

belonging to the pre-Muslim period and a Muslim zemindar comes forward and says " Oh, this is a very beautiful idol, I must have a leg out of it, I must have two arms or two legs of the idol, and I want to take them away as I am entitled to a share out of it ",—how will my friend take it ?

Mr. Lalchand Navalrai : I do not think I would suggest an absurd thing as that.

Mr. Muhammad Yamin Khan : But there will be many absurd owners to be found if this amendment is placed on the Statute-book.

Then another thing that my friend wants is this. If any person discovers coins of prehistoric age or other gold coins in his land, during the course of excavations, that person should have a share of those coins under this amendment. He will say : " Oh, I did not say that in the beginning, but now, under this Act, I am entitled to a share of it, and so I should have a share out of those coins ".

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : But there is such a thing as the Treasure Trove Act. My Honourable and learned friend ought to know that.

Mr. Muhammad Yamin Khan : Once the excavation has been granted under this Act, it will mean that if the land will be acquired and an excavation is carried out, what interest has the owner got in the treasures that may be discovered in it ? None whatever, but if the amendment is passed, I think the owner of the land will be helped to claim a share out of these coins. If my friend had made a suggestion or amendment to the effect that Indian or the national Government must have a share out of all valuable finds discovered in the land and that the export of all such valuable finds must be stopped, I would have wholeheartedly supported it. But when my friend wants that these things discovered should be partitioned between the people who explore or excavate and the owner of the land who has come into its possession in the execution of a small decree within a short period, I do not think anybody will support such a proposition. Sir, I think such treasures or valuable finds must remain the property of the nation, they must go to the nation, they must be the property of the nation, and not the property of any single individual.

Dr. Ziauddin Ahmad : Sir, the amendment which my friend has just moved has got two parts. The first part of his amendment says that Indians should have a preference. I am sorry he is not moving part (b), and that he is moving only part (c), and so I shall come to part (c). I feel, Sir, that if my Honourable friend were to consider clause (c) as it stands, he himself will oppose it, and the reason is, that our object is—and it is also the object of the Honourable the Mover,—that these valuable finds ought to be kept in India, and we should take all possible steps to see that they do not go outside India, and I think in this particular desire my friend will entirely agree with me.

Mr. Lalchand Navalrai : Why should it then be divided with the lessee ?

Dr. Ziauddin Ahmad : If you divide it, then it would be the easiest way of sending it outside India. As soon as any valuable antiquity is discovered and it is given to an individual who does not realise the scientific importance of the article,—and most of the owners of the land will be zemindars who will not be able to appreciate the scientific importance of these things,—they will certainly sell them to foreigners at a price which they will offer. Every licensee who is willing to spend thousands and thousands of rupees for excavations will certainly try to buy these valuable treasures from these individuals who would come in possession of these treasures. So if we accept the principle laid down by my friend Mr. Lalchand Navalrai, then the foreigners will have a double share. They will certainly purchase them at a price which they would be willing to pay and buy these valuable things from the owners of the land, and they will also get their share from the excavations. Therefore, Sir, if we want to keep these valuable finds in India itself, we should place them in museums, because if we keep them in the hands of private people, there is every chance of their being sold away to foreigners. We have got a very unpleasant experience in regard to very important manuscripts. These manuscripts were at one time in possession of individuals, and they were offered fanciful prices by foreigners with the result that we find that all important manuscripts have now been transferred from India to the libraries of Europe. If you really want to study any particular thing, you have to go either to London, Leyden, Paris or Berlin, because those books are not to be found here. If we begin to give the find of these excavations to private individuals, the result will be the same as we have seen in the case of books. All these valuable articles will be sold to foreigners who will be willing to pay a price which the owner of those articles will appreciate, ignorant as he will be of the scientific importance of those articles. Therefore, it is absolutely important that anything we discover from these excavations should be kept in our museums, because those things are very valuable to scientists, and if they are in the hands of private individuals they will be practically lost to India. It is therefore very important that these treasures should be kept in the museums in India so that they may be of value for scientific investigation and scientific study, and only such articles which are found in duplicate or which can be conveniently spared may be given away to foreigners as compensation for their money and labour. I would not mind paying the owners any compensation in the shape of money, but I would not give them compensation in the shape of these articles, because those articles will certainly be sold to foreigners by these owners, who will appreciate their scientific value at a price which those foreigners will be able to offer. With these words I oppose the motion of my Honourable friend Mr. Lalchand Navalrai.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Looking over the amendment, as my Honourable friend has moved it, and as I have placed it before the House, it appears that there is considerable misapprehension in the matter. I want the Honourable Member to tell me whether he wants the amendment to stand in the form in which I put it before the House, namely, that in clause 3 of the Bill in sub-clause (1) of the proposed section 20B for clause (b) the following clause be substituted, that is to say.....

Mr. Lalchand Navalrai : In place of.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : That means that the present clause (b) in the Bill is to be deleted, and this clause (b) is to be substituted for it.

Mr. Lalchand Navalrai : That is not my object, Sir. My object is that at that place this should stand and the other clauses should be re-numbered.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member wants clause (b) to stand as it is, that his amendment should be called clause (c), and that subsequent clauses be re-numbered accordingly ?

Mr. Lalchand Navalrai : That is so.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The amendment in that form is now before the House.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : I would have had considerable sympathy with my Honourable friend's amendment as now explained by you, not the substitution but the addition of a clause, if I had had some land which could be protected under this Bill which will soon become an Act, and acquired under section 20C. If I had had some such land I would have been in special sympathy with my Honourable friend's amendment. But unfortunately, I do not possess such land, for if I possessed it I think it would have been a very profitable proposition if this amendment could be accepted, because not only will I be paid for the land by Government who will acquire it under the Land Acquisition Act, but I would then share with Government the antiquities that may be found after considerable expenditure at the cost of Government. I do not know whether my Honourable friend means to give a present to the owners of the land of antiquities found underneath the land after having made the Government pay for the value of the land.

Mr. Lalchand Navalrai : You will realise if it is found from your bungalow.

Sir Cowasji Jehangir : I can only say that it is a very one-sided proposition that my Honourable friend has proposed, and as a sincere and conscientious protector of the public purse he should have been the last to propose such an amendment : for it gives the owner of the land everything by making the public purse pay him for the value of the land and again by giving him as a present the antiquities which have cost the public purse perhaps thousands and thousands of rupees to obtain. If that is what he proposes to do, I have not the slightest doubt that this Honourable House will reject the amendment without further discussion.

Mr. G. S. Bajpai : I have nothing to add to what has already fallen from several Honourable Members of the Select Committee in opposition to this amendment. I merely wish to state formally on behalf of Government that I oppose the amendment.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That in clause 3 of the Bill in sub-section (1) of the proposed section 2013
5 P.M. after clause (b) the following clause be inserted as clause
(c) and subsequent clauses be re-numbered accordingly :

‘ (c) prescribing a provision in favour of antiquities found from private property protected, to be divided with original owner of the property if he wishes to have a share ’.”

The motion was negatived.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. G. S. Bajpai : I beg to move that the Bill, as amended in Select Committee, be passed.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That the Bill, as amended, be passed.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 13th September, 1932.

LEGISLATIVE ASSEMBLY.

Tuesday, 13th September, 1932.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

QUESTIONS AND ANSWERS.

SHADOWING BY POLICE OF MR. C. F. ANDREWS DURING HIS VISIT TO DELHI.

186. ***Mr. Muhammad Azhar Ali** : Is it a fact that Mr. C. F. Andrews on his visit to Delhi in June, 1932, or thereabouts, was shadowed by the Police, and was ordered to be arrested at the Delhi Railway Station under a warrant of arrest ? If so, will Government state the reasons ?

The Honourable Mr. H. G. Haig : Mr. Andrews was not in India at the time mentioned.

NUMBER OF BENGALIS UNDER DETENTION AS STATE PRISONERS.

187. ***Mr. S. C. Mitra** : What is the total number of Bengali ladies and gentlemen who are in detention as State prisoners and detenus without trial under Regulation III of 1818 ?

The Honourable Mr. H. G. Haig : The figure is 21. None of these prisoners are women.

Mr. Gaya Prasad Singh : Do I understand the Government to say that under Regulation III of 1818, not a single woman prisoner is detained ?

The Honourable Mr. H. G. Haig : That is so, under Regulation III.

NUMBER OF STATE PRISONERS AND DETENUS.

188. ***Mr. S. C. Mitra** : What is the total number of State prisoners and detenus confined for :

- (a) less than one year ;
- (b) for one year or more but less than two years ; and
- (c) for two years or more ;

and how many of them are :

- (i) imprisoned in Bengal jails,
- (ii) imprisoned in jails outside Bengal, and
- (iii) confined in detention camps outside Bengal ?

The Honourable Mr. H. G. Haig : I would refer the Honourable Member to the statement I laid on the table in connection with Mr. A. Das' question No. 41 and Sardar Sant Singh's question No. 165.

SOCIAL STATUS AND ACADEMIC QUALIFICATIONS OF STATE PRISONERS AND DETENUS.

189. ***Mr. S. C. Mitra** : (a) Is it a fact that all the State prisoners and detenues are of good social status belonging to the educated middle or *Bhadralog* classes ? If not, how many of them belong to other classes ?

(b) How many of them have university degrees ?

(c) How many of them are students who were actually studying or had just passed out of their colleges at the time of their arrest ?

The Honourable Mr. H. G. Haig : (a) I presume the Honourable Member refers to the Bengali State Prisoners. The majority are, I regret to say, of the *Bhadralog* class, and the same is probably true of the detenues who are dealt with by the Bengal Government under the Bengal Criminal Law Amendment Act.

(b) and (c). I am not in possession of this information.

Mr. S. C. Mitra : Am I to take it that the Government have not that information or are unwilling to give it ?

The Honourable Mr. H. G. Haig : The Government certainly have not that information.

Mr. S. C. Mitra : Do I take it that the Honourable Member does not know or the Government of India have not that information about these State prisoners ?

The Honourable Mr. H. G. Haig : We have no record about the academic qualifications of the detenues.

Mr. K. C. Neogy : Do I take it that the Government are in possession of facts regarding the social status of these prisoners ?

The Honourable Mr. H. G. Haig : There is nothing on record about their social status.

Mr. K. C. Neogy : Is it not a fact that Regulation III itself requires that in determining the allowance to be made to these detenues and their families, regard should be had to their social status ?

The Honourable Mr. H. G. Haig : In determining their allowances, full inquiries are undoubtedly made about their status.

Mr. K. C. Neogy : Do I take it that so far as Regulation III prisoners are concerned, Government are in full possession of facts regarding the social status of these people ?

The Honourable Mr. H. G. Haig : Yes, Sir. I think that is probably so and I said in my reply that the majority are, I regret to say, of the *Bhadralog* class.

FAMILY ALLOWANCES GIVEN TO STATE PRISONERS AND DETENUS.

190. ***Mr. S. C. Mitra** : (a) Is it a fact that a large number of State Prisoners and detenues were earning members of their families before their arrest ?

(b) How many of the State Prisoners and detenues are given "family allowance" for the maintenance of their family either by the Government of India or by the Government of Bengal ?

(c) How many of the State Prisoners and detenus get an allowance (family) :

- (i) of Rs. 1,000 per month or over,
- (ii) of Rs. 500 per month or over but less than Rs. 1,000,
- (iii) of Rs. 250 per month or over but less than Rs. 500,
- (iv) of Rs. 150 per month or over but less than Rs. 250,
- (v) of Rs. 50 and over but less than Rs. 150 per month,
- (vi) of Rs. 25 and over but less than Rs. 50 per month,
- (vii) of less than Rs. 25 per month ?

The Honourable Mr. H. G. Haig : (a) and (b). As regards persons from Bengal who have been dealt with under Regulation III of 1818, family allowances have been sanctioned in 14 cases. The fact that a State Prisoner was an earning member of his family is always considered.

(c) The answers, so far as State Prisoners are concerned, are :

- (i) 2.
- (ii) and (iii). Nil.
- (iv) 1.
- (v) 7.
- (vi) 2.
- (vii) 2.

I regret I am unable to give any information regarding Bengal detenus whose cases are dealt with by the Government of Bengal under the provisions of the Bengal Criminal Law Amendment Act, 1930.

INADEQUATE FAMILY ALLOWANCES GRANTED TO STATE PRISONERS AND DETENUS.

191. ***Mr. S. C. Mitra :** Is it not a fact that there is a wide-spread complaint in the Bengal Presidency that the allowances granted to the families of State prisoners and detenus are grossly inadequate ?

The Honourable Mr. H. G. Haig : I am not aware of such a wide-spread complaint.

Mr. S. C. Mitra : Has not the Honourable Member received any complaints from the relatives of these detenus ? If so, how many ?

The Honourable Mr. H. G. Haig : We have received a few representations, Sir, but I do not think that discloses any evidence of a wide-spread complaint in the Bengal Presidency.

Mr. S. C. Mitra : Will the Honourable Member state how many complaints he has received ?

The Honourable Mr. H. G. Haig : I am afraid I should require notice of that question.

INADEQUATE FAMILY ALLOWANCES GRANTED TO STATE PRISONERS AND DETENUS.

192. ***Mr. S. C. Mitra :** (a) Is it not a fact that in the case of persons detained without trial, there is a statutory obligation on the part of Government to make provision for the maintenance of their families ?

(b) Is it not a fact that in most cases the allowance granted to the families of State Prisoners and detenus is a fraction of what they used to earn prior to arrest ?

The Honourable Mr. H. G. Haig : (a) Yes.

(b) Allowances for families of State Prisoners are fixed after careful consideration of all the circumstances of each case and Government are satisfied that they are adequate. Family allowances of detenus are fixed by the Bengal Government under the provisions of the Bengal Criminal Law Amendment Act, 1930, and I have no doubt that the Local Government considers each case carefully in the light of section 12 of that Act.

Mr. K. C. Neogy : So far as Regulation III prisoners are concerned, what inquiry is made by the Government of India to find out the facts needed before this allowance can be fixed ?

The Honourable Mr. H. G. Haig : The primary inquiry is made by the Local Government and a report is then made to the Government of India.

Mr. K. C. Neogy : Do the Government of India make any independent inquiry or do they depend upon the report which they received from the Local Government ?

The Honourable Mr. H. G. Haig : It is hardly possible for the Government of India to send their own officers to inquire into a matter under the jurisdiction of the Local Government.

Mr. K. C. Neogy : Would I be wrong then if I were to assume that the Government of India invariably accept the report of the Local Government in such matters ?

The Honourable Mr. H. G. Haig : I think that is the practice, but if on any matter we were not satisfied we would undoubtedly refer back to the Government of Bengal for further inquiry.

Mr. K. C. Neogy : Has that been done to the knowledge of the Honourable Member in any single instance ?

The Honourable Mr. H. G. Haig : I think not to my personal knowledge.

Mr. K. C. Neogy : Do the Government of India care to inquire as to exactly what is the nature of the investigation made by the Government of Bengal before they make their recommendations in these matters ?

The Honourable Mr. H. G. Haig : No, Sir. We may trust the Government of Bengal to make a thorough inquiry.

Mr. K. C. Neogy : Is the Honourable Member aware that the only inquiry which the Government of Bengal, or, for the matter of that, any Provincial Government, would make in such matters would be through the agency of the police ?

The Honourable Mr. H. G. Haig : I do not think that we can assume that at all.

Mr. K. C. Neogy : Has the Honourable Member taken care to assume himself that that is so ?

The Honourable Mr. H. G. Haig : We have made no inquiry ourselves as to how the Government of Bengal reach their conclusions in this matter.

Mr. K. C. Neogy : Would the Honourable Member now make an inquiry as to what is the exact nature of the investigation made and what agency is employed in making such inquiries ?

The Honourable Mr. H. G. Haig : That would show an unreasonable distrust of the Local Government.

Mr. S. C. Mitra : Has it not been brought to the notice of the Honourable Member by several petitions of the relatives of these State Prisoners that the only inquiry that the Government of Bengal made was through a police sub-inspector or a head constable and that was also very prefutorily ?

The Honourable Mr. H. G. Haig : I have no recollection of any such representation. I do remember that we did receive a representation on behalf of the family of one State Prisoner recently and though the matter had already been decided we sent it back again to the Government of Bengal for further inquiry.

Mr. K. C. Neogy : May I appeal to the experience of the Honourable Member as a district official under a Provincial Government and request him to tell this House as to what agency there is available to any Provincial Government except that of the Police for the purpose of making such inquiries ?

The Honourable Mr. H. G. Haig : In my own province undoubtedly there is an extensive revenue agency which would certainly be employed for such inquiries.

Mr. K. C. Neogy : Is the Honourable Member aware that so far as Bengal is concerned, there is no such revenue agency in existence owing to the permanent settlement ?

The Honourable Mr. H. G. Haig : There must be something which takes its place in Bengal.

Mr. K. C. Neogy : Will the Honourable Member find out what that " something " is so far as Bengal is concerned ?

The Honourable Mr. H. G. Haig : I see no necessity.

Mr. Gaya Prasad Singh : It may be the C. I. D.

Dr. Ziauddin Ahmad : The question is a simple one. Will the Honourable Member make inquiries and find out as to how the investigation is made ?

The Honourable Mr. H. G. Haig : I have already answered that question.

DIETARY ALLOWANCE GIVEN TO STATE PRISONERS AND DETENUS.

193. ***Mr. S. C. Mitra :** (a) What is the dietary allowance now being given to State prisoners and detenus (i) in Bengal ; and (ii) outside Bengal ?

(b) What was the dietary allowance given to State Prisoners and detenus between the years 1924 and 1927 (i) in Bengal ; and (ii) outside Bengal ?

(c) What was the dietary allowance given to State Prisoners and detenus in 1930 and 1931 (i) in Bengal ; and (ii) outside Bengal ?

The Honourable Mr. H. G. Haig : The scale of dietary allowance varies according to the place of detention. As regards State Prisoners under Regulation III of 1818, the rates in 1924-1927 were from Re. 1-6-0 to Rs. 3 a day and the present rates are from Re. 0-12-0 to Rs. 5.

The diet allowance of detenus under the Bengal Criminal Law Amendment Act, 1930, is fixed by the Government of Bengal. There were no detenus outside Bengal in 1930 and 1931. The provisions of the Bengal Supplementary Act only came into force this year.

Mr. S. C. Mitra : Will the Honourable Member try to answer the question, as is demanded in the question put, more fully, part by part, as otherwise it is very difficult to follow if a general reply covering all the points is put together ; and, as a matter of fact, many points are left out in the Honourable Member's reply ?

The Honourable Mr. H. G. Haig : Sir, I find considerable difficulty in giving answers to the very elaborate questions asked by the Honourable Member, but I thought in this particular case I had been successful. (Laughter.)

DIETARY ALLOWANCE GIVEN TO STATE PRISONERS AND DETENUS.

194. ***Mr. S. C. Mitra :** (a) Is it not a fact that some months ago the dietary allowance for State Prisoners and detenus was reduced by nearly 50 per cent. ?

(b) What was the allowance prior to and after reduction ?

(c) Why was it reduced ?

(d) Does the dietary allowance given include the cost of fuel as well ?

The Honourable Mr. H. G. Haig : (a), (b) & (c). The diet allowances sanctioned for State Prisoners have not been reduced. As regards detenus, I would refer the Honourable Member to the answer already given by me to his question No. 193.

(d) Yes.

Mr. S. C. Mitra : Will the Honourable Member kindly repeat the answers to (a), (b) and (c) ?

The Honourable Mr. H. G. Haig : (a), (b) and (c). I have answered by reference to the answers to question No. 193.

DELAY IN THE GRANT OF FAMILY ALLOWANCES TO STATE PRISONERS AND DETENUS.

195. ***Mr. S. C. Mitra :** Is it a fact that the Government of India and the Government of Bengal generally take from four to six months and some times even more to fix the allowance for the families of State prisoners and detenus and that in the meantime their families are given no maintenance allowance ?

The Honourable Mr. H. G. Haig : The allowances are fixed after ascertaining the facts of each case and the cases are decided as expeditiously as possible. I have no information regarding delay in sanctioning allowances to the families of detenus under the Bengal Criminal Law Amendment Act, 1930.

Mr. Gaya Prasad Singh : Are these allowances paid with retrospective effect also ?

The Honourable Mr. H. G. Haig : I am afraid I could not answer that off-hand.

Mr. S. C. Mitra : What is the information which the Honourable Member has about the average time taken for making inquiries and fixing the rate of allowance ?

The Honourable Mr. H. G. Haig : The answer to that also, I am afraid, I cannot give off-hand. But so far as we are concerned, we endeavour to dispose of these cases as rapidly as possible.

Mr. S. C. Mitra : Is the Honourable Member aware that effect is given from the date when the allowance is fixed, and that retrospective effect is not given from the date of restraint in prison ?

The Honourable Mr. H. G. Haig : No, Sir. I was not aware of that fact.

Mr. S. C. Mitra : Will the Honourable Member kindly make inquiries and see if retrospective effect may not be given to the rate of allowance fixed ?

The Honourable Mr. H. G. Haig : I shall certainly inquire about that.

Dr. Ziauddin Ahmad : In view of the fact that these allowances are sometimes fixed six months after detention, is it not desirable that they should be given from the date of detention ?

The Honourable Mr. H. G. Haig : The first thing, Sir, is to ascertain the facts, which I have already promised to do.

PROFESSIONAL COOKS FOR STATE PRISONERS AND DETENUS IN JAILS.

196. ***Mr. S. C. Mitra :** (a) Are Government aware that most members of the Bhadralog class in Bengal have professional cooks in their homes to cook their food, and that such professional cooks are generally Brahmins and in some cases Muhammadans and Mog *baburchis* who have a great reputation as cooks ?

(b) Do the statutes under which persons have been detained without trial make it obligatory on the part of Government to maintain them according to their rank in life and their normal mode of living ?

(c) Have any professional cooks been employed in any of the jails in which State Prisoners and detenus have been kept or in any of the detention camps ?

(d) Is it a fact that State Prisoners and detenus have to live on food cooked by convicts who are either agricultural labourers or belong to a low strata of society ?

The Honourable Mr. H. G. Haig : (a) I have no information.

(b) The Honourable Member is referred to section 1 of Regulation III and section 12 of Bengal Criminal Law Amendment Act.

(c) and (d). The cooking, both for State Prisoners and detenus, is done by convict cooks, who in certain cases at any rate are professional cooks.

Mr. K. C. Neogy : May I ask, what steps the Honnourable Member or any other Member of the Government takes for the purpose of getting information on such points if they have not got full information, when notice of a question is received by them ?

The Honourable Mr. H. G. Haig : I am not quite clear what matters the Honourable Member is referring to ?

Mr. K. C. Neogy : The Honourable Member says that Government have no information. But certainly he received notice of the question some days back. What efforts did he make for the purpose of getting information on the particular point raised ?

The Honourable Mr. H. G. Haig : No efforts at all were made, Sir. I do not think that it is part of the duty of Government to ascertain what are the domestic conditions of the *Bhadralog* class in Bengal. (Laughter.)

Mr. S. C. Mitra : Is it not the duty of Government to inquire about these matters when they keep people under restraint for years without any trial ?

The Honourable Mr. H. G. Haig : The question was as to the nature of the cooks employed by the *Bhadralog* class in Bengal. I do not think it is necessary for Government to institute any inquiry into that.

Mr. S. C. Mitra : Is not the Honourable Member aware that the health of many of these State Prisoners has broken down due to bad food supplied in the jails, and is it not the duty of the Government of India to inquire whether they do get proper food, when they keep them under detention without any trial for years ?

The Honourable Mr. H. G. Haig : We are fully alive to the importance of providing detenus and State Prisoners with suitable food.

Mr. K. C. Neogy : What is the Honourable Member's idea of a "suitable cook" ?

The Honourable Mr. H. G. Haig : Food, or cook ?

Mr. K. C. Neogy : Food will do as well : what is the Honourable Member's idea of "suitable food" ?

The Honourable Mr. H. G. Haig : Any food to which these people have been accustomed.

Mr. S. C. Mitra : Referring to (c) and (d), when there are no trained cooks available in jail, what measures Government adopt in order to find proper cooks for State Prisoners ?

The Honourable Mr. H. G. Haig : I think there are cooks always available. The question, to what extent a cook can be described as a professional one, is a matter of opinion ; but one cannot always ensure that a sufficient supply of professional cooks become convicts. (Laughter.)

Mr. K. C. Neogy : Can the Honourable Member from his experience tell us as to whether the suitability of food does not depend very largely upon the suitability of the cook ?

The Honourable Mr. H. G. Haig : Special attention is paid to that.

Mr. K. C. Neogy : What efforts has the Honourable Member made to find out as to how far the cooks supplied in these particular instances do satisfy that test ?

The Honourable Mr. H. G. Haig : We have, Sir, taken a certain amount of trouble. In the case of the Camp at Deoli, there were complaints originally that the cooks supplied were not altogether satisfactory and we arranged to replace them by other cooks.

SOCIAL STATUS OF MR. J. M. SEN-GUPTA.

197. ***Mr. S. C. Mitra :** (a) Is Mr. J. M. Sen-Gupta who at present is a State prisoner under Regulation III of 1818, a graduate of the Cambridge University and a Barrister-at-Law ordinarily practising in the Calcutta High Court ?

(b) Are Government in a position to state the income he was earning at the Bar when he was in active practice ?

(c) What proportion does the allowance granted to his family by Government, bear to the income he made at the Bar during the years 1927 to 1930 ?

(d) Has he been given a professional cook to cook his food in Jail ?

The Honourable Mr. H. G. Haig : (a) Yes.

(b) and (c). I am unable to give information regarding the private affairs of the State Prisoner. In fixing the allowance for the support of his family, his rank in life and the wants of his family were fully and carefully considered as required by Regulation III of 1818.

(d) The services of a Bengali convict cook have been made available for him.

SOCIAL STATUS OF MR. SARAT CHANDRA BOSE.

198. ***Mr. S. C. Mitra :** (a) Is Mr. Sarat Chandra Bose who at present is a State prisoner under Regulation III of 1818, a Barrister-at-Law and one of the acknowledged leaders of the Calcutta Bar ?

(b) On what annual income was he assessed to income-tax during the years 1927 to 1931 ?

(c) What proportion does the allowance granted to his family by Government, bear to the income he made at the Bar during the years 1927 to 1931 ?

(d) Is it not a fact that the allowance granted to his family as aforesaid is only a small fraction of the income he was making at the Bar ?

(e) Has he been given a professional cook to cook his food in Jail ?

The Honourable Mr. H. G. Haig : (a) Yes.

(b), (c) and (d). I regret I cannot give information which concerns the private affairs of a State Prisoner. An allowance of Rs. 1,200 a month has been sanctioned by the Government of India for the support of the family of Mr. Sarat Chandra Bose. I can assure the Honourable Member that before arriving at the decision that this was a suitable provision, his rank in life and the wants of his family were carefully considered as required by Regulation III of 1818.

(e) Yes.

MEDICAL TREATMENT OF MR. SARAT CHANDRA BOSE IN JAIL.

199. ***Mr. S. C. Mitra :** (a) Is it not a fact that since his confinement under Regulation III of 1818, Mr. Sarat Chandra Bose has developed symptoms of diabetes ?

(b) What arrangements have Government made for his treatment ? Will he be allowed to be treated by his own physician ?

(c) If no arrangements have yet been made, will Government state the reasons therefor ?

The Honourable Mr. H. G. Haig : (a) He is suffering from Glycosuria. I understand that this is a long standing complaint from which he has suffered for some considerable time prior to his detention.

(b) and (c). He is under treatment and the latest report shows that the Glycosuria is improving, that his health is good and that he is not losing weight. In reply to a request from Mrs. Sarat Bose, Government have recently informed her that they have no objection to Mr. Sarat Bose being examined by a doctor of her own choice in consultation with the Jail Superintendent and another Government Medical Officer so that she may have the opinion of an experienced Medical Board.

SOCIAL STATUS OF MR. SUBHAS CHANDRA BOSE.

200. ***Mr. S. C. Mitra :** (a) Is Mr. Subhas Chandra Bose a graduate of the Cambridge University ? Did he stand 4th at the I. C. S. open competitive examination in London in 1920 ?

(b) Has he been given a professional cook to cook his food in jail ?

The Honourable Mr. H. G. Haig : (a) Yes.

(b) Arrangements have been made for a professional cook to work for both brothers in the Central Provinces. Mr. Subhas Bose has been temporarily transferred to Madras for special medical examination.

MEDICAL TREATMENT OF MR. SUBHAS CHANDRA BOSE IN JAIL.

201. ***Mr. S. C. Mitra :** (a) Is it a fact that Mr. Subhas Chandra Bose has been suffering since January 20th, from acute pains in the region of the gall bladder and liver accompanied occasionally by high fever ?

(b) Was any attempt made to diagnose his illness between the 20th January and 4th June, 1932 ?

(c) Is it a fact that he has been getting a daily rise of temperature which rises upto 100° on certain days and has been suffering from acute internal pain, sciatica, constipation and lassitude ?

(d) Is it a fact that he has lost uptil now 42 lbs. in weight ? What was his weight on admission and what is his present weight ?

(e) Is it a fact that he has been living on soups and liquid diet since the 20th January last ?

(f) Is it a fact that though he had been taken to the Jubbulpore British Military Hospital for X-Ray and medical examination, there was no X-Ray examination of the gall bladder ?

(g) Will arrangements be made for X-Ray examination of the gall bladder in some other well equipped hospital ?

(h) Has Mr. Subhas Chandra Bose's illness been finally diagnosed yet ? If so, what is the diagnosis ? What is the report of the Medical Board which examined him at Jubbulpore ? Is it a fact that they recommended that he should be treated in a well equipped hospital ?

(i) What steps do Government propose to take for his treatment ? Is it not a fact that no systematic treatment has yet been started ?

The Honourable Mr. H. G. Haig : Mr. Bose's condition has been carefully watched by the Medical Officers of the jails in which he has been confined. To facilitate further diagnosis he was examined at the Military Hospital at Jubbulpore where he was sent at the end of May, and the Medical Board recommended that he should be admitted for further examination and treatment to a hospital with X-ray equipment. He was accordingly transferred to Madras in July for further examination and treatment. The final report on his health after X-ray examination at Madras shows that he is suffering from tuberculosis. The question of his treatment is under consideration.

DIAGNOSIS OF DISEASES OF MR. SARAT CHANDRA BOSE AND MR. SUBHAS CHANDRA BOSE.

202. ***Mr. S. C. Mitra :** Is it a fact that Government have not informed either Mr. Sarat Chandra Bose or Mr. Subhas Chandra Bose or any of their friends or relatives as to the diagnosis made by the Medical Board in their cases ? Do Government propose to give that information now ?

The Honourable Mr. H. G. Haig : I would refer the Honourable Member to the replies given by me to his two questions, Nos. 199 and 201. I have no reason to think that these two State Prisoners are not aware of the medical reports on their health. No requests have been made to the Government of India by relatives for this information.

ILLNESS OF MR. SUBHAS CHANDRA BOSE, MR. SARAT CHANDRA BOSE AND MR. J. M. SEN-GUPTA IN JAIL.

203. ***Mr. S. C. Mitra :** (a) Is it a fact that Mr. Subhas Chandra Bose's brother Dr. Sunil Chandra Bose has been refused permission to examine Mr. Subhas Chandra Bose and Mr. Sarat Chandra Bose ? Why has the permission been refused ? Under what statute or rules has this permission been withheld ?

(b) Why has not Mr. Subhas Chandra Bose been sent to a well equipped Hospital as recommended by the Medical Board ?

(c) What facilities are given to Mr. Sarat Chandra Bose and Mr. Subhas Chandra Bose and Mr. J. M. Sen-Gupta for their recreation ?

(d) Is it a fact that the Government have been approached by his relatives to allow Mr. Subhas Chandra Bose to be examined and treated by his own physicians namely Sir Nilratan Sircar, Kt. and Dr. Bidhan Chandra Roy ?

The Honourable Mr. H. G. Haig : (a) and (d). In accordance with a request made to them Government agreed to the examination of Mr. Subhas Chandra Bose by two private Doctors mentioned in part (d)

of the question. As regards Mr. Sarat Chandra Bose, I would refer the Honourable Member to my reply to (b) and (c) of his question No. 199.

(b) I would refer the Honourable Member to the replies given by me to his question No. 201.

(c) They are given facilities for reading and for walks within the jail grounds. Mr. Sarat Chandra Bose and Mr. Subhas Chandra Bose have also been provided with a badminton court.

Mr. K. C. Neogy : Is it a fact that the physicians, at least some of them, who examined Mr. Subhas Chandra Bose, were of opinion that he should be removed for treatment to a Sanatorium in Europe ?

The Honourable Mr. H. G. Haig : That was one of the suggestions made, Sir.

Mr. K. C. Neogy : Are Government considering that suggestion ?

The Honourable Mr. H. G. Haig : They also made an alternative suggestion which we have under consideration at the moment.

Mr. K. C. Neogy : What is the alternative suggestion ?

The Honourable Mr. H. G. Haig : I would rather not state that until we have proceeded a little further, Sir, with our examination of the question.

Mr. K. C. Neogy : Does the alternative suggestion relate to his transfer to a Sanatorium in India called Bhawali ?

The Honourable Mr. H. G. Haig : To a Sanatorium in India, yes.

DETENTION OF MR. SARAT CHANDRA BOSE, MR. SUBHAS CHANDRA BOSE AND MR. J. M. SEN-GUPTA UNDER REGULATION III OF 1818.

204. ***Mr. S. C. Mitra :** (a) Have Mr. Sarat Chandra Bose, Mr. Subhas Chandra Bose and Mr. J. M. Sen Gupta been respectively informed of all the circumstances relating to the supposed grounds of the determination that they shall be placed under personal restraint under Regulation III of 1818 ? If so, how and when ?

(b) Have Mr. Sarat Chandra Bose, Mr. Subhas Chandra Bose and Mr. J. M. Sen Gupta been given any opportunity or facility to bring to the notice of His Excellency the Viceroy and Governor General in Council any circumstances relating either to the supposed grounds of such determination or to the manner in which it may be executed ? If not, why not ?

The Honourable Mr. H. G. Haig : (a) The answer is in the negative.

(b) It is open to a State Prisoner at any time to make a representation to the Governor General in Council under section 5 of Regulation III of 1818.

Mr. S. C. Mitra : Will the Honourable gentleman please explain why Messrs. Subhas Chandra Bose, Sarat Chandra Bose and Sen-Gupta were not informed of the circumstances and grounds on which they were put under restraint ? Why are Government unwilling to place them before the House ?

The Honourable Mr. H. G. Haig : It is not the normal practice to take this action in the case of prisoners who are detained under Regulation III.

Mr. S. C. Mitra : Cannot the Honourable Member comprehend that there may be suspicious circumstances which the State Prisoners alone may be in a position to explain satisfactorily, if they are given a chance ?

The Honourable Mr. H. G. Haig : It is an exceptional procedure and we have to follow an exceptional course.

Mr. S. C. Mitra : Does the Honourable Member consider the imprisonment as exceptional ? Is that the point ?

The Honourable Mr. H. G. Haig : The whole procedure under Regulation III is exceptional.

Mr. S. C. Mitra : Does he not consider that there may be circumstances which the prisoner who is under restraint may be in a position to explain which may apparently look like suspicious to others unacquainted with the special circumstances ? I would like to know why these prisoners should not be given a chance to explain their case ?

The Honourable Mr. H. G. Haig : It may be so, Sir ; but they are always in a position to make a representation on any matter and that would receive the careful consideration of the Government.

Mr. S. C. Mitra : Unless they know what are the charges against them, how can they offer an explanation that may remove the particular suspicion ?

The Honourable Mr. H. G. Haig : That, I am afraid, is inherent in the nature of this procedure under Regulation III.

Mr. S. C. Mitra : May I take it that the Regulation contemplates that the prisoners will not be given any chance, even to have an idea of the charges for which they are put under restraint ?

The Honourable Mr. H. G. Haig : As I read the Regulation, that is the position.

Mr. K. C. Neogy : Were the papers relating to the charges against these three individuals ever placed before any High Court Judges as used to be the practice at one time at least in regard to such cases ?

The Honourable Mr. H. G. Haig : No, Sir. I have been looking up some of the old papers and I find that my Honourable friend addressed a number of questions on this point to Sir Alexander Muddiman some years ago. It was then explained that the normal procedure is that which has been followed in the case of these gentlemen and that it was only in exceptional cases, which were parallel to those dealt with under the Bengal Criminal Law Amendment Act, that the papers were placed before Judges.

Mr. Gaya Prasad Singh : Is it not a fact that Mr. Sen-Gupta was arrested on board the steamer at Bombay after his absence from India for a considerable time before his return ?

The Honourable Mr. H. G. Haig : I was not in India myself at the time. I am afraid I cannot give an answer to the Honourable Member's question.

Mr. S. C. Sen : This Regulation was made in 1818 and the procedure was arrived at in 1880 ; we are now in 1932 ; does not the Honourable Member consider that it is high time that the procedure should be abandoned and a new procedure should be enacted ?

The Honourable Mr. H. G. Haig : No, Sir. The procedure fits certain exceptional conditions which, I am afraid, still prevail.

Mr. K. C. Neogy : Is it not a fact that Government are going back to the ideas that prevailed in 1818, if not earlier ?

The Honourable Mr. H. G. Haig : They are certainly acting on a provision which was passed in 1818.

Mr. S. C. Mitra : May I take it that the Honourable the Home Member is of the opinion that these State Prisoners should not be apprised of the charges that are brought against them and should not be given an opportunity to explain their cases ?

The Honourable Mr. H. G. Haig : I have already explained my position in this matter to the Honourable Member.

REDUCTION OF CERTAIN APPOINTMENTS IN POST OFFICES AND RAILWAY MAIL SERVICE.

205. ***Mr. S. C. Mitra :** (a) Will Government be pleased to furnish a statement showing (i) number of selection grade appointments in the grade of Rs. 160—250 and Rs. 250—350, (ii) time-scale appointments which have been reduced between the periods of 1st April to 31st August, 1932, in Post Offices and Railway Mail Service in each circle as well as in each of the Presidency Towns of Bombay, Calcutta and Madras ?

Mr. T. Ryan : A statement is laid on the table : the totals are, for the Selection grade 137 and for the time-scale 615.

Statement.

	Selection grade.	Time scale.
Calcutta	14	143
Rest of Bengal and Assam Circle	28	80
Bombay	1	33
Rest of Bombay Circle	14	76
Madras .. .. .	..	5
Rest of Madras Circle	17	32
Bihar and Orissa	10	53
Burma	10	47
Central	6	28
Punjab and N.-W. F.	1	30
United Provinces	29	62
Sind and Baluchistan	7	26
Totals	137	615

SELECTION GRADE APPOINTMENTS IN POST OFFICES AND RAILWAY MAIL SERVICE.

206. ***Mr. S. C. Mitra :** (a) Will Government please state what is the percentage of selection grade appointments in the Post Office and Railway Mail Service and what percentage has been recommended by the Posts and Telegraphs Retrenchment Advisory Sub-Committee ?

(b) Have the Posts and Telegraphs Retrenchment Advisory Committee recommended any reduction of staff ? If not, on what ground is the staff being retrenched ?

Mr. T. Ryan : If the Honourable Member will refer to Chapter XVI of the Report of the Posts and Telegraphs Sub-Committee of the Retrenchment Advisory Committee, a copy of which is in the Library, he will find information as to the position and what the Sub-Committee said about it. I do not find that the Sub-Committee made any definite recommendation on this point : in fact the number of selection grade posts is not determined by any formula other than the actual necessities of particular offices.

Retrenchment of selection grade staff, as of other staff, is being made, where this can reasonably be done, in the interests of the economical administration of the Posts and Telegraphs Department.

REDUCTION OF LOWER DIVISION CLERKS IN POST OFFICES AND RAILWAY MAIL SERVICE.

207. ***Mr. S. C. Mitra :** (a) Is it a fact that the Director General of Posts and Telegraphs has decided to introduce 33 per cent. lower division clerks in Post Offices and Railway Mail Service immediately ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state how this system will be introduced ? Will the senior men be compelled to retire to make room for lower division clerks ? If not, how will the vacancies be created ?

(c) What will be the qualification of those lower division clerks and how will they be recruited ?

(d) If the senior men are to be made to retire, will Government please furnish a statement showing the savings likely to be effected by compelling certain men to retire earlier and taking lower division clerks in their place ?

Mr. T. Ryan : (a) Under orders of the Government of India, the scheme referred to which was advocated by the Retrenchment Sub-Committee, is to be carried into full effect with the least possible delay as vacancies occur.

(b) Posts in the lower clerical division will be created as vacancies in the other divisions of the clerical cadre occur ; (1) in the ordinary

course, (2) by the retirement of such of the existing incumbents of clerical posts as may volunteer to retire, (3) by the compulsory retirement of those whose record of service has been consistently unsatisfactory, or (4) by the compulsory retirement of those who have attained 55 years of age.

(c) Recruitment will be made partly by promotion of officials of the postmen class and other employees of corresponding status (excluding Boy Peons), and partly from outside candidates who have passed the Matriculation Examination of an Indian University or its equivalent. In all cases candidates will have to pass a departmental test.

(d) The scheme is still in its initial stages and I regret that it would not be possible to make a reliable estimate without extensive investigation.

REDUCTION OF TELEGRAPH MASTERS AND TELEGRAPHISTS.

208. ***Mr. S. C. Mitra :** (a) Will Government be pleased to furnish a statement showing the number of (i) Telegraph Masters, and (ii) telegraphists reduced between the periods of 1st April, 1932 to 31st August, 1932, in each of the Central Telegraph Offices of Bombay, Calcutta, Madras and Agra as well as in each Circle ?

(b) Is it a fact that some of the telegraphists have been transferred to local Post Offices of Calcutta, Bombay, Madras, etc. ?

(c) Have these telegraphists been absorbed in vacancies in the Post Offices ? If so, what will be their position there ?

(d) Will Government please further state how many clerks of these Post Offices have been compelled to retire to make room for these telegraphists ?

(e) Will Government please state the grounds for transferring these men to the Post Offices when the staff of the Post Offices are also being retrenched ?

Mr. T. Ryan : (a) A statement furnishing the required information is laid on the table.

(b) Yes.

(c) and (e). The intention is to utilise temporarily the services of surplus telegraphists in vacancies of postal signallers in combined post and telegraph offices until the surplus in the telegraphists' cadre disappears. The arrangement is in accordance with the recommendation of the retrenchment sub-committee.

(d) None.

Statement showing the number of Telegraph Masters and Telegraphists reduced during the period between 1st April 1932 and 31st August 1932 in each of the Central Telegraph Offices at Bombay, Calcutta, Madras and Agra and also in each Circle.

			Telegraph Masters.	Telegraphists.
1. Bombay Central Telegraph Office	..	..	5	15
2. Calcutta Central Telegraph Office	..	..	4	28
3. Madras Central Telegraph Office	..	..	1	7
4. Agra Central Telegraph Office	..	..	3	2
Total	..	..	13	52
1. Bengal and Assam Circle	..	..	4	29
2. Bihar and Orissa Circle	..	..	<i>Nil.</i>	2
3. Bombay Circle	..	..	8	26
4. Burma Circle	..	..	3	13
5. Central Circle	..	..	<i>Nil.</i>	7
6. Madras Circle	..	..	1	14
7. Punjab and N. W. F. Circle	..	..	2	26
8. Sind and Baluchistan Circle	..	..	1	2
9. United Provinces Circle	..	..	5	5
Total	..	..	24	124

REDUCTION OF CERTAIN OFFICERS OF THE TELEGRAPH DEPARTMENT.

209. ***Mr. S. C. Mitra :** (a) Will Government please furnish a statement showing the number of (i) Divisional and Sub-Divisional Engineers, Telegraphs, (ii) Assistant and Deputy Assistant Engineers, and (iii) Engineering Supervisors reduced between the period of 1st April and 31st August, 1932 ?

(b) Is it a fact that very few engineering officers have been reduced ? If so, why ?

The Honourable Sir Frank Noyce : (a) During the period in question there has been no reduction in the number of Divisional and Assistant Divisional Engineers, Telegraphs, but the posts of one Deputy Assistant Engineer, Telegraphs, and of one Engineering Supervisor, General, have been brought under reduction. Steps are being taken to effect a further reduction of 10 posts of Assistant and Deputy Assistant Engineers, Telegraphs, and of 15 posts of Engineering Supervisors, General.

(b) Yes. The question what further reductions are possible in the personnel of all branches of the Posts and Telegraphs Department is being examined with the help of a special officer who has recently been appointed to assist in securing economies. The Honourable Member will appreciate that the lines and equipment of the department must be maintained at a high level of efficiency whether the traffic is heavy or light and that for this reason it is not so easy to effect reduction in the engineering branch as it may be in others.

CONVERSION OF SUB-POST OFFICES INTO EXTRA-DEPARTMENTAL ONES.

210. ***Mr. S. C. Mitra :** (a) Is it a fact that the Director General of Posts and Telegraphs has converted many Sub-Post Offices into Extra-Departmental Sub-Post Offices ?

(b) If so, how many offices have been converted since 1st April, 1932 ?

(c) What is the pay of the Extra-Departmental Sub-Postmasters and are their duties the same as Departmental Sub-Postmasters ?

(d) What arrangement will be made to carry on the work of the Extra-Departmental Sub-Postmasters when they will be absent ?

Mr. T. Ryan : (a) The fact is that as a measure of economy steps are being taken towards the employment of extra-departmental postmasters in these sub-post offices in which work can be managed by this class of employees.

(b) Several of the departmental sub-post offices have been converted into extra-departmental sub-post offices. Up-to-date figures are, however, not available.

(c) Extra-departmental sub-postmasters are given an allowance only for postal work, generally not exceeding Rs. 30 per mensem in each case. The nature of work performed by an extra-departmental sub-postmaster is similar to that of a departmental sub-postmaster.

(d) When an extra-departmental sub-postmaster is temporarily absent, a departmental official has to be sent from the nearest station to perform the work of the extra-departmental sub offices.

INTRODUCTION OF NEW SCALES OF PAY FOR POSTS AND TELEGRAPHS DEPARTMENT.

211. ***Mr. S. C. Mitra :** (a) Will Government please state when they are going to introduce new scales of pay for the Posts and Telegraphs Department ?

(b) What will be the rates of pay of various officers and subordinates of the Department ?

(c) Will the new scale be applicable to the future entrants or will it affect the existing staff as well ?

The Honourable Sir Frank Noyce : (a) to (c). The matter is still under consideration.

REDUCTION OF OFFICERS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

212. ***Mr. S. C. Mitra :** Will Government please furnish a statement showing the number of officers reduced in the Posts and Telegraphs Department from January, 1932, to 31st August, 1932, as a result of retrenchment showing how many of them are (i) European, (ii) Anglo-Indian, and (iii) Indian ?

The Honourable Sir Frank Noyce : If the Honourable Member is referring to the gazetted officers of the Posts and Telegraphs Department the reply to his question is that the number is 31, of whom 1 is a European, 8 are Anglo-Indians and 22 are Indians.

RECRUITMENT OF MUSLIMS IN THE SECURITY PRINTING, INDIA, CURRENCY NOTE PRESS AND CENTRAL STAMP STORES.

†213. *Nawab Naharsingji Ishwarsingji : Will Government be pleased to state :

- (a) the years in which the following concerns began working :
 (i) Security Printing, India, (ii) Currency Note Press, and
 (iii) Central Stamp Stores ;
- (b) whether Government orders were issued prior to the commencement of these concerns to give preference to Muslims in Government service ;
- (c) if the reply to part (b) above is in affirmative, why so few Muslims were selected and what action Government propose to take for the recruitment of Muslims in future and for promotion of those already in service there to posts of ministerial as well as non-ministerial heads of offices on the ground that they belong to a minority community ; and
- (d) out of five permanent Muslims now working, how many were directly appointed and how many were transferred from other Government offices ?

PRO-REPEATER ALARM PISTOLS AND THEIR DETONATING DISCS.

214. *Mr. M. Maswood Ahmad (on behalf of Shaikh Fazal Haq Piracha) : (a) Is it a fact that pro-repeater alarm pistols and its detonating discs are being imported and passed through Bombay port and are classed by customs authorities, pistols as " toys " and discs as " manufactured fireworks " ? If so, will Government be pleased to state whether he " manufactured fireworks " contain anything of the fulminate class ?

(b) Are Government aware that pro-pistols and their detonating discs are being extensively advertised in newspapers by Messrs. Sadiq Bros., 242, Abdul Rehman Street, Bombay, No. 3, and Messrs. Dilawar and Company, Bhuleshwer, Bombay, No. 2, and are sold by them to everyone without licence ?

(c) Is it a fact that these firms are supplying pro-pistols and discs to their customers in Bihar and Orissa and United Provinces free of any restriction whatsoever, while restrictions on detonating discs have been imposed by local authorities in these provinces on the ground that they contain fulminate and require special licence from the Government of India ?

(d) Is it a fact that Burma Government have prohibited entry of both these pistols and discs into that territory and, if so, under what authority ?

(e) Is it a fact that the Bengal Government do not object possession of pro-pistols but do object to their discs or crackers (without which possession of pistols themselves is quite useless) and, if so, under what authority ?

(f) Will Government be pleased to state why certain restrictions in some of the Provinces have been imposed on one and the same thing after

†For answer to this question, see answer to starred question No. 183.

they were duly examined and passed by the customs authorities at Bombay and are sold by Bombay dealers so freely and whether Government propose to issue one general order in this connexion effective for the whole of India including Burma ?

The Honourable Mr. H. G. Haig : With your permission, Sir, I propose to reply to questions Nos. 214, 354, 355 and 383 together. I am making enquiries into the matters raised by Honourable Members in these questions and will lay the information on the table when the enquiries are complete.

NEED FOR A RAILWAY STATION AT KOMAKHAN, BENGAL NAGPUR RAILWAY.

215. ***Mr. M. Maswood Ahmad** (on behalf of Khan Bahadur II. M. Wilayatullah) : (a) Has the attention of Government been invited to the article which appeared in the *Hitavada* of the 17th July, 1932, on page 11, under the caption "Need for Railway Station at Komakhan", Komakhan being a place on the Raipur-Vizianagram section of the Bengal Nagpur Railway ?

(b) If so, will Government kindly state what action they propose to take in the matter ?

Mr. P. R. Rau : (a) Yes.

(b) The attention of the Agent, Bengal Nagpur Railway, has been drawn to it.

ENTERTAINMENT OF RETRENCHED OFFICERS IN THE GEOLOGICAL SURVEY OF INDIA.

216. ***Mr. S. C. Mitra :** (a) Will Government be pleased to state whether an officer named Mr. Hobson proposes to retire from service in the Geological Survey of India ? If so, have Government accepted his resignation and on what date ?

(b) Is there a proposal for re-entertaining a retrenched officer named Mr. Bradshaw ; if so, who proposed such an arrangement and when was it received by Government ?

(c) Is it a fact that four Indian officers have been retrenched from Class I and re-entertained in Class II ?

(d) Is it a fact that the Director of the Geological Survey gave these four officers an assurance that vacancies arising in Class I would be filled up by them and not by outside candidates ?

(e) Is it not a fact that Mr. Bradshaw's lien on the department expired with the termination of his leave in February, 1932 ; if so, will it not be a new appointment ?

(f) If Government are re-entertaining Mr. Bradshaw, on what grounds do they justify the appointment of a man who has no lien on the Department ? Is it not a fact that there are in the Department qualified men, who recently occupied the higher posts and are available to fill up vacancies ?

(g) Is it a fact that Mr. Bradshaw was on leave for four years out of his actual service of nine years in the Department ?

(h) What will be the total monthly emoluments of Mr. Bradshaw if he is re-entertained, and those of a retrenched officer now in Class II ?

(i) Is it not the declared policy of Government to entertain Indians in higher grades in preference to Europeans, if both are of equal merit ?

The Honourable Sir Frank Noyce : (a) Mr. Hobson offered voluntarily to retire and the offer was accepted by Government on the 5th May, 1932.

(b) Mr. Bradshaw was not actually retrenched but was under notice of retrenchment. In view of the probability of Mr. Hobson's voluntary retirement Mr. Bradshaw's notice was extended on the suggestion of the Director which was received on the 1st of February, 1932.

(c) Yes.

(d) I am not aware that any such assurance has been given.

(e) No, as Mr. Bradshaw's leave was extended.

(f) This question does not arise.

(g) Since Mr. Bradshaw joined the service in January, 1923, he has been granted leave for a total period of approximately three years and four months. Two years of this was granted to enable him to take up a Commonwealth Fund Service Fellowship in the United States for the prosecution of research work.

(h) Mr. Bradshaw's pay is Rs. 900 *plus* £30 overseas pay. Prior to their relegation to Class II, the four officers mentioned in the reply to parts (c) and (d) of the Honourable Member's question drew in their former grade pays varying from Rs. 500 to Rs. 600.

(i) It is the declared policy of Government to recruit Indians to the Geological Survey whenever men possessing the required qualifications are available. There was, however, no question of recruitment in this instance.

Mr. K. C. Neogy : What are the qualifications of this gentleman, Mr. Bradshaw ?

The Honourable Sir Frank Noyce : He is, I understand, a Graduate in Science (Honours), but I shall be glad to let the Honourable Member know later on exactly what his qualifications are after making enquiries ?

Mr. K. C. Neogy : Is the Honourable Member aware that of these de-promoted officers—whatever you might call them—two are London D. Scs. ?

The Honourable Sir Frank Noyce : I believe that is the case, but I would point out that scientific qualifications are not the only ones which have to be considered in this connection.

Mr. K. C. Neogy : Is the Honourable Member in a position to state before this House as to what qualifications are possessed by this Mr. Bradshaw other than scientific qualifications ?

Mr. Gaya Prasad Singh : Racial qualifications !

The Honourable Sir Frank Noyce : Mr. Bradshaw possesses considerable experience and, as I have already mentioned in reply to the question, he was for two years in the United States prosecuting research work,

the benefit of which would have been lost to India if he had not been retained in the department.

Mr. K. C. Neogy : Is it not a fact that so far as actual field experience in India goes, there are officers among the depromoted Indian officers who have considerably more experience than Mr. Bradshaw ?

The Honourable Sir Frank Noyce : I understand they are all junior in status to Mr. Bradshaw and, therefore, it is probable that they have less field experience.

Mr. K. C. Neogy : I did not mean the seniority of Mr. Bradshaw as compared with these men. What I meant was whether it was not a fact that these Indian officers who had been depromoted possessed considerably more experience in field work in India than Mr. Bradshaw ?

The Honourable Sir Frank Noyce : I have already said they have less experience in the department, and, therefore, I should think they have less field experience. But I can make further enquiries on the point and communicate the results.

Mr. Gaya Prasad Singh : Why was Mr. Bradshaw retained in the department when he was on the retrenchment list ?

The Honourable Sir Frank Noyce : Because another officer offered voluntarily to retire.

Mr. S. C. Mitra : In computing the period of experience of Mr. Bradshaw in the department, was the period during which he was on leave, namely, three years and four months, taken into consideration ? If that period is excluded, will he still be senior to the officers who have been depromoted ?

The Honourable Sir Frank Noyce : I have already pointed out that two years out of those three years and four months were spent in prosecuting research work in United States which, as I have said, must be of great value to India.

Mr. K. C. Neogy : What is the nature of the research that he made ?

The Honourable Sir Frank Noyce : I must ask for notice of that question.

Mr. K. C. Neogy : I think the Honourable Member holds the opinion that the experience gained in research work by Mr. Bradshaw is very valuable for India and that is why I ask what is the nature of the research work which Mr. Bradshaw conducted. Surely the Honourable Member would not require notice for this.

The Honourable Sir Frank Noyce : If the Honourable Member means what studies Mr. Bradshaw was engaged in, I may say the studies were in prosecution of his particular line of work.

Mr. K. C. Neogy : I should expect the Honourable Member to tell the House as to what exactly was the line of research followed by this gentleman while in America and how far and to what extent that particular experience will be valuable for India.

The Honourable Sir Frank Noyce : I must ask for notice of that question, in order that I might look up the specific details of the work on which Mr. Bradshaw was engaged.

Mr. Gaya Prasad Singh : May I know whether, if Mr. Bradshaw's services were not retained in the department, a qualified Indian next on the list would have been acting in his place ?

The Honourable Sir Frank Noyce : That, Sir, is a hypothetical question. As I have already explained, Mr. Bradshaw was retained in the place of an officer who had voluntarily retired.

RETRENCHMENT IN THE GEOLOGICAL SURVEY OF INDIA.

217. ***Mr. S. C. Mitra :** (a) Will Government be pleased to state the number of European and Indian officers in Class I in the Geological Survey of India in each year from 1919 to date ? What was the proportion of Europeans and Indians in Class I before and after the recent retrenchment ?

(b) Is not the drastic reduction in the proportion of Indians directly in contravention of the recommendation of the Retrenchment Committee and of the Government's policy of Indianization ?

(c) What are the principles on which officers were selected for retrenchment ? Was it left entirely to the pleasure of the Director or did Government independently consider every single case on its merits ?

(d) Why have four Indian officers, of whom three are D. Sc.'s, been reduced from Class I to Class II ? Were their qualifications inferior to those of men retained in Class I ?

(e) Is it not a fact that as a result of the accommodation of these Indian officers in Class II, the pay of all the extra Assistant Superintendents has been reduced by about 10 per cent. in addition to the general 10 per cent. cut in pay ? Have other gazetted officers in this Department been subject to similar extra cut in pay ?

(f) Have any European officers been offered similar terms of retrenchment and re-employment in Class II ? If not, why were Indians alone selected for this reduction in status as well as in pay ?

(g) Is it a fact that two officers with more than 25 years' service have been retained in the Department when the status and pay of juniors have been reduced ? If so, why ?

The Honourable Sir Frank Noyce : (a) A statement is laid on the table. The proportion of European to Indian officers in Class I before and after the retrenchment was 18 : 11 and 11 : 3, respectively.

(b) No. The recommendation was to the effect that, wherever practicable, regard should be had to Government's policy relating to the Indianisation of the services. In the present case, as a result of retrenchment, seven European officers have left the Department for good whereas only three Indian Officers have done so. The policy regarding Indianisation remains unchanged, and recruitment in England has ceased.

(c) The selection was made by Government in consultation with the Director. In selecting officers for retrenchment special weight was attached to the specialized knowledge of individual officers and their value to the Department.

(d) The four Indian officers were among those who had been selected for retrenchment, and notices of termination of services were actually served

upon them. It was found possible subsequently to offer them posts in the Class II Service. The object was to minimise hardship to them and to retain their services for the Department. They were junior to the Class I officers who were retained in that class.

(e) The answer to the first part is in the affirmative and to the second part in the negative.

(f) No retrenched European officers were offered the option of serving in Class II posts. Government had no reason for believing that any of them would accept such an offer, and the offer was made to the four youngest officers in the Department who were all Indians, for the reasons I have already given.

(g) Yes. Because it would not have been in the interests of the public service to denude the Department entirely of senior officers. As a matter of fact, of the 11 Class I officers who had more than 11 years' service when the selection was made, only three now remain.

Statement showing the number of European and Indian Officers in Class I in the Geological Survey of India from 1919 to 1932 as it stood on the 1st July of each year.

Year.	Number of European Officers.	Number of Indian Officers.	Remarks.
1919	15	*1	* Statutory native of India.
1920	15	†3	† Including one statutory native of India.
1921	17	4	Do.
1922	18	4	Do.
1923	20	4	Do.
1924	21	5	Do.
1925	20	6	Do.
1926	20	7	Do.
1927	20	8	Do.
1928	20	10	Do.
1929	20	9	Do.
1930	19	11	Do.
1931	18	11	Do.
1932	18	11	Do.
(Before retrenchment).			
1932	11	3	Do.
(After retrenchment).			

Mr. K. C. Neogy : May I know from the Honourable Member as to what effect this policy of retrenchment had on the proportion of Indians in Class I as compared with Europeans ?

The Honourable Sir Frank Noyce : I have already said that the proportion of Europeans to Indian officers in Class I before and after the retrenchment was 18 : 11 and 11 : 3, respectively.

Mr. K. C. Neogy : Does that accord with the ideas of Indianisation which the Honourable Member has ?

The Honourable Sir Frank Noyce : I may say that I was not in the department when this retrenchment was carried out. But it does seem to me a considerable advance in the policy of Indianisation to reduce the number of Europeans in the department by seven as against only three Indians.

Mr. K. C. Neogy : Is it not a fact that several Indians have been reduced to class II ?

The Honourable Sir Frank Noyce : Yes, Sir, because they were willing to go there. The only way to keep them in the department was by adopting that course and to the best of my knowledge they accepted it cheerfully.

Mr. K. C. Neogy : Is it not a fact that two alternatives were placed before them, either to leave the department or to go down into class II ?

The Honourable Sir Frank Noyce : Obviously, Sir. I have already said that the only way to keep them in the department was by their accepting posts in class II.

SANCTION OF AN ALLOWANCE FOR THE ASSISTANT DIRECTOR, GEOLOGICAL SURVEY OF INDIA.

218. ***Mr. S. C. Mitra :** Is it a fact that a new allowance of Rs. 200 per mensem has been sanctioned for the post of Assistant Director, Geological Survey of India, during the last few months, while the allowances for the Palaeontologist and Curator have been withdrawn ? Is it not a fact that there was no allowance for the Assistant Director till recently ? How do Government justify this new expenditure particularly at this period of financial stringency ?

The Honourable Sir Frank Noyce : The reply to the first two parts of the question is in the affirmative.

The post of Assistant Director is now held by an Assistant Superintendent and not by a Superintendent as was formerly the case. The Assistant Superintendent draws his grade pay *plus* a special pay of Rs. 200 per mensem, an arrangement which is more economical than that which it has superseded.

Mr. K. C. Neogy : Is it not a fact that until a few months ago this post carried no special allowance ?

The Honourable Sir Frank Noyce : It was then held by a Superintendent.

Mr. K. C. Neogy : Why was it that Government in these days of retrenchment went in for this additional expenditure ?

The Honourable Sir Frank Noyce : The present arrangement is more economical than the arrangement which it superseded. The post was considered of sufficient importance to be held by a Superintendent. It is now held by an Assistant Superintendent, but as it carries additional responsibilities, responsibilities which were formerly exercised by a Superintendent, it was considered equitable to give him a special pay.

Mr. K. C. Neogy : When did it actually strike the Honourable Member that this appointment carries extra responsibilities and therefore deserves an additional allowance ?

The Honourable Sir Frank Noyce : As I have said, the fact that the post was formerly held by a Superintendent shows that it is of a responsible character. We have now as a measure of economy decided that it should be held by an Assistant Superintendent and therefore it is obvious, I think, that special pay is justified as he is doing the work which was formerly done by a Superintendent.

Mr. K. C. Neogy : How long has this post been held by an Assistant Superintendent ?

The Honourable Sir Frank Noyce : Since the reorganisation of the department. I cannot say off-hand when the new arrangement came into force.

Mr. K. C. Neogy : Was the allowance granted simultaneously along with the reorganisation ?

The Honourable Sir Frank Noyce : I think a little later, but I should like to have notice of that question.

Mr. K. C. Neogy : When was it exactly that the Honourable Member realised the injustice done to this officer unless he were given an additional allowance ?

The Honourable Sir Frank Noyce : I must ask for notice of that question.

CURATOR IN THE GEOLOGICAL SURVEY OF INDIA.

219. ***Mr. S. C. Mitra :** (a) What are the qualifications necessary for officers to hold the post of Curator in the Geological Survey of India and what are the Curator's duties ?

(b) Will Government be pleased to furnish a statement showing the succession list of Curators from 1920 to date, the number of years of actual service of each officer and the number of months he has actually spent in the field prior to his first appointment to this post ?

The Honourable Sir Frank Noyce : (a) The qualifications necessary for the post of Curator in the Geological Survey of India are a good knowledge of mineralogy, petrology and chemistry, together with the administrative ability and capacity for detail necessary to enable the officer to carry out his somewhat varied duties. The Curator is in charge of four large galleries in the Indian Museum, containing collections of minerals, rocks, meteorites and fossils, amounting in all to about 300,000 specimens. He identifies and reports upon a large number of ores and minerals for the public, superintends mineral and rock analyses, and gives advice on various mineral and economic enquiries submitted by the public. In addition, he is in charge of the entire building of the Geological Survey Department, in particular of the laboratory, and of the scientific instruments, chemical stores furniture and tents belonging to the Department.

(b) A statement is laid on the table.

Statement showing the succession list of Curators in the Geological Survey of India from the 1st May, 1920 to date, the number of years of actual service of each officer and the number of months he actually spent in the field, prior to his first appointment as Curator.

Name of officer.	Period of Curatorship.	Number of years of actual service prior to first appointment as Curator. (to nearest year).	Number of months spent in field prior to first appointment as Curator.	Remarks.
1. Mr. C. S. Fox ..	1st May, 1920 to 19th August, 1921.	9	46	
2. Mr. H. Crookshank ..	20th August, 1921 to 31st July, 1923.	1	3	
3. Mr. H. Walker ..	1st August, 1923 to 15th August, 1924.	3*	20	
4. Mr. G. V. Hobson ..	16th August, 1924 to 7th September, 1926.	3	19	
5. Mr. H. Crookshank ..	8th September, 1926 to 21st November, 1926.	(Vide	item 2).	
6. Mr. E. L. G. Clegg ..	22nd November, 1926 to 19th April, 1927.	6	51	
7. Mr. A. L. Coulson ..	20th April, 1927 to 31st August, 1927.	.	33	
8. Mr. A. K. Banerji ..	1st September, 1927 to 12th October, 1927.	18†	17	
9. Mr. A. L. Coulson ..	13th October, 1927 to 17th May, 1929.	(Vide	item 7).	
10. Dr. J. A. Dunn ..	18th May, 1929 to 8th June, 1930.	7	43	
11. Mr. H. Crookshank ..	9th June, 1930 to 26th June, 1930.	(Vide	item 2).	
12. Dr. J. A. Dunn ..	27th June, 1930 to 19th April, 1931.	(Vide	item 10).	
13. Dr. M. S. Krishnan	20th April, 1931 to 31st October, 1931.	6	37	
14. Mr. W. D. West ..	1st November, 1931 to date.	8	50	

* Mr. Walker first acted as Curator in August 1907.

† Includes 14 years' service in non-gazetted appointments.

LECTURESHIP IN GEOLOGY AT THE PRESIDENCY COLLEGE, CALCUTTA.

220. ***Mr. S. C. Mitra** : (a) Will Government be pleased to state whether the lectureship in geology at the Presidency College, Calcutta, is usually held by the Curator of the Geological Survey ? What is the idea with which this lectureship is given to an officer of the Geological Survey ? Is Indian geology one of the subjects taught by these officers ?

(b) Who were the officers who held this post from 1920 to date, showing against each his tenure of the lectureship, his actual service and the number of months spent in the field while in the department, his previous teaching experience, and his previous work in India, if any ?

(c) Is it a fact that the lectureship was given to inexperienced junior Europeans when more experienced officers, European and Indian, were available in the department ?

(d) Is it not a fact that the officer who was appointed as lecturer in 1925 was a mining engineer by training ? What were his qualifications in geology for teaching the B. Sc. classes ? Was this officer considered unfit for the post in 1924 ? If so, why was he appointed in 1925 ?

(e) Is it a fact that lecturers have been changed in the middle of the academic year ? If so, have Government considered the disadvantages to students arising out of a change of lecturer in the middle of the year ?

The Honourable Sir Frank Noyce : (a) Yes. The appointment is made by the Local Government on the recommendation of the Director who has usually but not invariably selected the Curator for the post. It is understood that Indian geology is one of the subjects in which instruction is given. The arrangement by which this part-time post was attached to the Geological Survey of India was based on grounds of economy and efficiency, but I may add that in view of the drastic retrenchments which have been made in the superior staff of the Survey, it has been arranged that the lectureship should in future be held by a retrenched officer selected by the Local Government if there is one available and suitable for the appointment.

(b) A statement is laid on the table.

(c) The most suitable officer of the Department available in Calcutta has been selected on each occasion.

(d) The officer selected in 1925 was considered fit in all respects by the authorities best capable of judging his qualifications.

(e) Yes, but only when the change was unavoidable. Government are aware of the disadvantages of such changes.

Name of officers.	Tenure of Lectureship.	Actual service before first taking lectureship.	Months spent in field before first taking lectureship.	Previous teaching experience, if any.	Remarks.
(1) Dr. C. S. Fox, Assistant Superintendent.	2nd July 1920—19th August 1921.	Y. M. D. 9 4 0	M. D. 46 14	1½ years lecturer on coal-mining, Birmingham University.	
(2) Mr. H. Crookshank, Assistant Superintendent.	20th August 1921—1st July 1923.	0 8 19	3 15		
(3) Mr. H. Walker, Assistant Superintendent.	2nd July 1923—15th August 1924.	*18 8 17	†41 9	Demonstrator in Geology, Royal College of Science, London.	* He was first appointed lecturer in July 1912 with actual service of 7 years and 8½ months. † Before first taking lectureship in July 1912.
(4) Mr. D. N. Wadia, Assistant Superintendent.	16th August 1924—21st June 1925.	3 4 0	25 27	Lecturer in the Prince of Wales College, Jammu.	
(5) Mr. G. V. Hobson, Assistant Superintendent.	22nd June 1925—7th September 1926.	3 7 24	19 13		
(6) Mr. H. Crookshank, Assistant Superintendent.	9th September 1926—21st November 1926.	(Vide item 2)	(Vide item 2)		
(7) Mr. E. L. G. Clegg, Assistant Superintendent.	22nd November 1926—31st October 1927.	5 11 21	50 25		
(8) Mr. A. L. Corlison, Assistant Superintendent.	1st November 1927—17th May 1929 (vacation up to 1st July 1929).	4 11 7	33 2	1 year Demonstrator in Geology, Melbourne University.	

Name of officers.	Tenure of Lectureship.	Actual service before first taking lectureship.	Months spent in field before first taking lectureship.	Previous teaching experience, if any.	Remarks.
(9) Dr. J. A. Dunn Assistant Superintendent.	2nd July 1929—till the summer vacation which ended on 1st July 1931. From 2nd July 1931—31st July 1931, the post remained vacant.	Y. M. D. 7 6 15	M. D. 43 11		
(10) Dr. M. S. Krishen, Assistant Superintendent.	1st August 1931—20th November 1931.	6 7 13	37 10	Demonstrator in Geology, Presidency College, Madras. Part-time lecturer in the Forest and Research Institute, Dehra Dun.	
(11) Mr. W. D. West, Assistant Superintendent.	21st November 1931—To date.	7 11 9	50 0		

SUPERINTENDENTSHIPS IN THE GEOLOGICAL SURVEY OF INDIA.

221. *Mr. S. C. Mitra : (a) Will Government be pleased to state the number of officiating vacancies in the selection grade (superintendentships) in the Geological Survey for each year from 1919 to date ? How many of these were filled by Europeans, Indians and statutory natives respectively ?

(b) How many Indians have held permanent posts as superintendents since the starting of this department ?

(c) What is the nature of the work of these officers during the field season and during the recess at headquarters ; how does their work differ from that of the Assistant Superintendents ?

(d) On what qualifications are officers selected for filling up vacancies in this grade ? Is it not necessary for superintendents to have wide personal knowledge derived from field work in the Provinces of which they are put in charge ?

(e) Is it not a fact that Mr. Hobson was in charge of Bihar and Orissa in 1929, Mr. Coulson in charge of Burma in 1931, and Mr. Clegg in charge of Bihar and Orissa in 1931 ? How many months of field work had these officers put in in their respective provinces before they were given charge of them ?

(f) Is it a fact that Government have sanctioned two officiating superintendentships during the last month or two ? Who are the officers so appointed and what are their substantive pay and officiating allowances respectively ?

The Honourable Sir Frank Noyce : (a) A statement is laid on the table.

(b) None.

(c) Superintendents during the field season carry out their own geological survey work and also supervise and co-ordinate the work of members of their parties. During the recess season they are employed *inter alia* in writing reports, in mapping and in scientific investigations arising from their field work. They also supervise similar work done by members of their parties. Assistant Superintendents are not in charge of parties and do not have to perform any administrative or supervisory work arising from such charge.

(d) The principal qualifications necessary for a Superintendent are a wide general knowledge of geology, as much experience as possible of different Indian geological formations and administrative ability. Provided that he has these qualifications it is not essential that he should have extensive previous practical experience of the Province in which his party may be working.

(e) (i) Yes.

(ii) Fifteen months, none, and 4 months, respectively.

(f) (i) The officiating promotions were made last May.

(ii) Messrs. Clegg and Coulson. Mr. Clegg's substantive pay was Rs. 1,000 per month *plus* £30 overseas pay and his officiating pay Rs. 1,800 *plus* £13-6-8 overseas pay. Mr. Coulson's substantive pay is Rs. 900 per month *plus* £30 overseas pay and his officiating pay is Rs. 1,500 *plus* £13-6-8 overseas pay.

Statement showing the number of officiating vacancies in the grade of Superintendent, Geological Survey of India, for each year from 1919 to date, and how they were filled.

Year.				Number of vacancies.	How filled.
1919	..	..	..	1	Unfilled.
1920	..	..	..	6	5 by Europeans. 1 by statutory native of India.
1921	..	..	..	2	1 by European. 1 unfilled.
1922	..	..	..	3	2 by European. 1 by statutory native of India.
1923	..	..	..	2	1 by European. 1 unfilled.
1924	..	..	..	2	1 by European. 1 by statutory native of India.
1925	..	..	..	3	2 Europeans. 1 by statutory native of India.
1926	..	..	..	2	1 by European. 1 by statutory native of India.
1927	..	..	..	4	3 by Europeans. 1 by statutory native of India.
1928	..	..	..	2	1 by European. 1 by statutory native of India.
1929	..	..	..	4	3 by Europeans. 1 by statutory native of India.
1930	..	..	..	3	1 by European. 1 by Indian. 1 partly by European and partly by Indian
1931	..	..	..	2	1 by European. 1 by Indian.
1932	..	..	..	2	2 by Europeans.

Mr. K. C. Neogy : Is it not a fact that the Geological Department of the Government of India has been in existence for about three quarters of a century and that during this period there has not been one single Indian as permanent Superintendent ?

The Honourable Sir Frank Noyce : That position will be rectified in the fairly near future in view of the fact I have mentioned, namely, that the European staff of the department has been very drastically depleted.

Mr. K. C. Neogy : And also because so many Indians have been put down to class II ?

(No reply was given.)

Dr. Ziauddin Ahmad : Have Government done anything to introduce the study of Geology in Indian Universities ?

The Honourable Sir Frank Noyce : That, Sir, is a question which should more correctly be addressed to the representative of the Education Department in this House.

Mr. G. S. Bajpai : I am prepared to answer that question even though notice has not been given. My Honourable friend who has had as much

experience of universities as anybody else in this House knows that universities are autonomous bodies and it is for them only to decide whether there shall be a geological side or not.

Mr. B. Das : Is it not a fact that the Calcutta University has got a course in Geology and also the Engineering College at Sibpur ?

Mr. G. S. Bajpai : I am greatly enlightened by the information which my Honourable friend has given.

APPOINTMENT OF MR. DUNN AS OFFICIATING SUPERINTENDENT, GEOLOGICAL SURVEY OF INDIA.

222. *Mr. S. C. Mitra : (a) Between what dates in 1931 did Mr. Dunn of the Geological Survey officiate as Superintendent ? How much did he draw as substantive pay and how much as officiating allowance ?

(b) Is it not a fact that this officer was ill and irregular in attendance during this period ? On what date was this officer admitted into hospital for his illness ? How do Government justify the giving of an officiating post to an officer who was ill and attended office irregularly ?

(c) Is it a fact that this officer threatened to shoot or whip a post-master in Singhbhum district when he was on tour there ? Is it a fact that he was prosecuted in the Presidency Magistrate's court, Calcutta, for hitting a postal clerk in a post office in Calcutta ? What are the grounds for this officer holding a responsible position in the selection grade ?

The Honourable Sir Frank Noyce : (a). (i) Dr. Dunn officiated as a Superintendent from the 20th April to the 9th July in 1931.

(ii) His substantive pay as Assistant Superintendent was Rs. 750 *plus* overseas pay of £25. His pay as officiating Superintendent was Rs. 1,500 *plus* overseas pay of £13-6-8.

(b). (i) During May and June, 1931, Dr. Dunn was on occasions permitted to do his work at home owing to his incapacity to work in office regularly.

(ii) He was admitted into hospital on the 30th June, 1931, and took leave from the 10th July.

(iii) Up to the 10th July his illness was not so serious as to prevent him from discharging the duties of his post.

(c). (i) Government have no information.

(ii) Yes ; but he was acquitted.

(iii) He possesses the requisite qualifications.

Mr. K. C. Neogy : With regard to the date on which this officer was admitted to hospital, *viz.*, the 30th June, has the Honourable Member found this date from the official records or from any inquiry made in the hospital ?

The Honourable Sir Frank Noyce : The date is the date reported by the Director of Geological Survey.

Mr. K. C. Neogy : How was this period between the 30th June and 10th July treated ?

The Honourable Sir Frank Noyce : As I have explained, Dr. Dunn was allowed to carry on his work during that period.

Mr. K. C. Neogy : Was he actually carrying on his work after he had been admitted to hospital on the 30th June ?

The Honourable Sir Frank Noyce : Yes, Sir. I may explain for the information of the House that the complaint from which Dr. Dunn suffered, and from which I had the misfortune to suffer myself, was not such as to incapacitate him from carrying on his office work.

Mr. K. C. Neogy : I wanted to know whether he was actually taken to be on leave between 30th June and 10th July.

The Honourable Sir Frank Noyce : I have explained that he was not on leave and he was allowed to carry on his work. The Director, Geological Survey, has reported to me that he was satisfied that he was doing his work during that period.

Mr. K. C. Neogy : When was this report made to the Honourable Member ? Was it after the question was asked or before ?

The Honourable Sir Frank Noyce : I understand before the question was asked.

Mr. K. C. Neogy : Do I take it that permission was obtained from the Honourable Member in regard to this matter before this officer was permitted to work while in hospital ?

The Honourable Sir Frank Noyce : No; the matter is entirely within the discretion of the head of the department, and I have no reason to believe that he exercised that discretion improperly.

Mr. K. C. Neogy : Has the Honourable Member satisfied himself that he actually worked while in hospital ?

The Honourable Sir Frank Noyce : As I have said, the Director, Geological Survey, reports that he is satisfied, and I have no reason to doubt either his discretion or his good faith in this matter.

FIELD-COLLECTORS AND MUSEUM ASSISTANTS IN THE GEOLOGICAL SURVEY OF INDIA.

223. ***Mr. S. C. Mitra :** (a) Will Government be pleased to state the nature of the duties, the pay and prospects of field-collectors and museum assistants in the Geological Survey ?

(b) Is it a fact that the present field-collectors and museum assistants possess as high academic qualifications as some officers in the gazetted grades ; that there are some officers in the grade of extra-assistant superintendents who possess no university training ; that one of the field-collectors has British university qualifications equal to those of some of the Assistant Superintendents ? If so, how do Government explain the anomalies ?

(c) Is it a fact that the duties of field-collectors necessitate their working in remote parts of the Indian Empire ; that they work under identically the same conditions and are exposed to the same risks and hardships as the gazetted officers ? If so, how do Government justify the very small allowances on which these men are expected to carry on their field duties ?

(d) Is it a fact that these officers have never been given any officiating posts in the respective higher grades, except in a solitary and special case very recently? Why are these subordinate officers treated in this way, while officiating vacancies in the selection grade are filled up?

(e) Are Government aware that the field-collectors, being non-gazetted, are not allowed the use of railway waiting rooms and dak-bungalows and are put to considerable other difficulties in camping because of their lower status and meagre emoluments?

(f) Is it a fact that field-collectors were formerly treated as second class officers while on tour? When and why was this concession withdrawn? Are Government prepared to consider their case and restore them the same concession?

(g) Is it a fact that field-collectors and museum assistants are often given the work of indexing publications, cleaning museum collections, etc., and that they are not given chances for mapping or engaging in other investigations in the field? If so, how does their present work fit them for field duties in the higher grades?

The Honourable Sir Frank Noyce : (a) The chief duty of Field Collectors, whose pay is Rs. 100—10—200—5—225 per month, is to collect geological specimens in the field. During the recess they assist the Curator in his routine work, mainly in connection with the Museum and laboratory.

The chief duty of Museum Assistants, whose pay is Rs. 75—5—150 per month, is to help the Curator to maintain the geological collections in the Indian Museum.

These officials are eligible for promotion to higher posts in the Department.

(b) The facts are roughly as stated by the Honourable Member. Academic qualifications are, however, not the most important factor in determining an officer's rank in the Department. There are more important factors such as proved capacity and meritorious service. I may add that the Field Collector with British qualifications mentioned by the Honourable Member is now officiating as Extra Assistant Superintendent.

(c) No Field Collectors have worked in any very remote area. Care is taken not to send them to areas in which travelling is unusually extensive. The allowances which are granted to them are governed by the general rules in force for officers of the same class and status.

(d) Yes. It has not been the practice to make officiating promotions from class III to class II or from class II to class I though substantive promotions from class to class have frequently been made.

(e) Government understand that these officials suffer no greater inconvenience than other touring officials of their status.

(f) (i) Yes.

(ii) In 1923, as a result of the general re-grading of Government servants for the purpose of calculating travelling allowance. Field Collectors drawing over Rs. 200 per month are still included in the second grade.

(iii) Government are not aware of any reason why these officers should be treated differently from others of the same class and status.

(g) Indexing is sometimes done by these officials, but the cleaning of collections is done by the menial staff. Field Collectors have frequently been given experience of mapping in the field by being detailed to accompany senior officers. Museum Assistants in the course of their work in the museum get opportunities of studying rock and fossils which they may afterwards have to collect in the field should they receive promotion.

POST OF CHEMIST IN THE GEOLOGICAL SURVEY OF INDIA.

224. *Mr. S. C. Mitra : (a) Is it a fact that there is no chemist in the Geological Survey at present ? If so, when do Government propose to fill up the post ?

(b) Is it a fact that the Assistant Chemist carries on the work of the Chemist during the absence of the latter on leave ? If so, is he given any officiating allowance ? If not, why not ?

The Honourable Sir Frank Noyce : (a) Yes. In accordance with the recommendation of the General Purposes Sub-Committee of the Retrenchment Advisory Committee, the post has been abolished and Government have at present no intention of reviving it. Arrangements have been made for important chemical analysis to be done outside the Department.

(b) During the absence on leave of the Chemist his work remained largely in abeyance. No question of officiating allowance, therefore, arose nor does it arise in present conditions.

ASSISTANT CURATOR IN THE GEOLOGICAL SURVEY OF INDIA.

225. *Mr. S. C. Mitra : What are the duties and emoluments of the post of the Assistant Curator in the Geological Survey of India ? Is it a fact that this was formerly a gazetted post and that it was made non-gazetted when Indians were appointed to it ?

The Honourable Sir Frank Noyce : The Assistant Curator assists the Curator in his laboratory work. The pay of the post was formerly Rs. 250—20—350 a month, but was reduced to Rs. 150—10—250 in 1918 and the post was consequently made non-gazetted. Indians have held the post both before and after it became non-gazetted.

LIFE INSURANCE PREMIUMS OF CERTAIN STATE PRISONERS.

226. *Mr. S. C. Sen : Are Government paying the premiums on the policies of insurance taken out by the following state prisoners during the period of their detention :—Messrs. J. M. Sen Gupta, Bar-at-Law, Sarat Chandra Bose, Bar-at-Law, Surendra Mohan Ghose, Arun Chandra Guha, Bhupendra Nath Datta, Monoranjan Gupta, and Bhupati Majumdar ?

LIFE INSURANCE PREMIUMS OF CERTAIN STATE PRISONERS.

†227. *Mr. S. C. Sen : (a) In how many cases of State Prisoners detained under Regulation III of 1818 have Government received representations from them or on their behalf for payment of the premiums on the policies of insurance taken out by such State Prisoners ?

(b) Will Government please state their names ?

(c) In which of the cases are Government paying the same ?

†For answer to this question, see answer to question No. 226.

LIFE INSURANCE PREMIUMS OF CERTAIN STATE PRISONERS.

†228. ***Mr. S. C. Sen :** (a) Is it a fact that until lately the invariable practice of Government has been to pay during the period of his detention the premiums on such of the insurance policies as may have been taken out by any State Prisoner ?

(b) If so, is it a fact that the policy of Government has since been changed ? If so, why and from when ?

PAYMENT OF PREMIUMS ON LIFE INSURANCE POLICIES OF MR. SARAT CHANDRA BOSE, A STATE PRISONER.

†229. ***Mr. S. C. Sen :** (a) What is the decision of Government regarding the payment of the premiums on the policies of insurance taken out by Mr. Sarat Chandra Bose, a State Prisoner ?

(b) Are Government making any distinction in his case as against the cases of other State Prisoners ? If so, why ?

The Honourable Mr. H. G. Haig : With your permission, Sir, I propose to answer questions Nos. 226 to 229 together.

Government are paying premia on insurance policies of all the State prisoners mentioned, but in the case of Mr. Sarat Chandra Bose they are paying only on one policy. Representations have been received on this matter on behalf of Mr. S. C. Bose and Government have given them their most careful attention. Comparatively small sums on account of insurance premia on policies of State Prisoners have been paid by Government in the past. The whole question was, however, recently examined most carefully by the Government of India in consultation with the Government of Bengal in connection with the case of Mr. S. C. Bose, who was insured for very large sums. The conclusions reached by Government were that insurance is a form of saving, and the continued payment of premia therefore adds to the value of the estate, and Government are not justified in utilising public revenue for this purpose. At the same time, it is right that Government should take such action as is reasonable to prevent damage that would otherwise occur to the estate by the non-payment of premia. The insurance policies of Mr. S. C. Bose were carefully examined on these principles and orders passed in accordance with what appeared to Government to be equitable.

PURCHASE OF HAYMAN-MOHINDRA PUNCHING MACHINES BY THE EAST INDIAN RAILWAY.

230. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajih-uddin) : (a) Will Government be pleased to state the total number of Hayman-Mohindra Punches purchased by the East Indian Railway ?

(b) Will Government be pleased to state the strength of Crewmen and Crew-in-charges at the time the said punches were purchased ?

Mr. P. R. Rau : (a) 2,500 were purchased in two lots. The second purchase of 1,500 was made after it had been decided to extend the Crew System to the whole of the East Indian Railway system, for which about 3,000 would have been necessary ; but as a matter of fact before the

†For answer to this question, see answer to question No. 226.

intention to extend the system to the whole line was carried out, it was replaced by the system recommended by the Moody-Ward Committee.

(b) Crewmen	..	..	..	..	1,198
Crew-in-charge	..	..	..	..	177

Mr. K. C. Neogy : How many centuries are these punches likely to last the East Indian Railway since there seems to be a large number of them ?

Mr. P. R. Rau : I am not aware of the exact duration of the life of steel.

Dr. Ziauddin Ahmad : Are Government contemplating to shove these punches on to other State Railways ?

Mr. P. R. Rau : If other State Railways require them, we should certainly be pleased to use them.

Mr. K. C. Neogy : Have the superior merits of this punch been pointed out by the Honourable Member to other railways in India ?

Mr. P. R. Rau : The existence of a surplus stock of these punches has, I believe, been brought to the notice of other railways.

Mr. K. C. Neogy : With what results ?

Mr. P. R. Rau : None as yet.

Mr. Gaya Prasad Singh : Does that show the superior merit of this punch ?

Mr. K. C. Neogy : How many years will it require for the East Indian Railway to work off this surplus in the normal course ?

Mr. P. R. Rau : I am afraid I cannot make an estimate of that.

Dr. Ziauddin Ahmad : Are Government aware that the T. T. I.'s and T. T. E.'s do not like this punch as they cannot carry it in their pockets ?

Mr. P. R. Rau : I have received no information to that effect.

Dr. Ziauddin Ahmad : Is it not a fact that it is forced upon them against their will ?

Mr. P. R. Rau : I am not aware of that.

PURCHASE OF HAYMAN-MOHINDRA PUNCHING MACHINES BY THE EAST INDIAN RAILWAY.

231. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Will Government be pleased to state :

(i) the cost of each Hayman-Mohindra Punch complete with three refill tubes and one date box, and

(ii) the total cost of all the punches complete with all the equipments ?

(b) Will Government be pleased to state if the said punches were purchased by the East Indian Railway with the sanction of the Railway Board and whether the Railway Board approved of them ?

Mr. P. R. Rau : (a) (i) Rs 97-11-3.

(ii) Rs. 2,43,632-13-0.

(b) The Agent sanctioned the purchase in the usual course on the recommendation of the departments concerned. The Board's approval was not necessary.

Mr. K. C. Neogy : Which is the department concerned in this particular matter ?

Mr. P. R. Rau : It must be the traffic department, I think.

Mr. Gaya Prasad Singh : What is the cost of each punch ?

Mr. P. R. Rau : Rs 97 odd.

Mr. K. C. Neogy : What was the position occupied by Mr. Hayman at the time the department concerned actually came to this decision ?

Mr. P. R. Rau : I cannot answer that question off-hand ; but, to the best of my recollection, he was Director of Finance in the Railway Board.

MOTION FOR ADJOURNMENT.

LETTER OF MAHATMA GANDHI TO THE PRIME MINISTER INVOLVING MAHATMA GANDHI'S DECISION TO DIE.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, 12 Noon. order. I have received a notice from Mr. C. S. Ranga Iyer that he proposes to ask for leave to make a motion for the adjournment of the business of the House to-day for the purpose of discussing a definite matter of urgent public importance as follows : The letter of Mahatma Gandhi to the Prime Minister involving Mahatma Gandhi's decision to die.

I am to inquire whether any Honourable Member has any objection to this motion.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official) : I oppose it, Sir, as it is quite unnecessary.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : He is more loyal than Government themselves.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. I should like to know from the Honourable Member whether he objects to this motion.

Major Nawab Ahmad Nawaz Khan : Yes, Sir ; I object.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : As objection has been taken, I would request those Honourable Members, who are in favour of leave being granted, to rise in their places.

Sardar Sant Singh (West Punjab : Sikh) : (To Major Nawab Ahmad Nawaz Khan) : You get up now, and make up for your faults.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order.

(A large number of Members stood up in their seats.)

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : As not less than 25 Members have risen. I declare that leave is granted and that the motion will be taken up for discussion at 4 p.m. this afternoon.

STATEMENTS LAID ON THE TABLE.

Mr. P. R. Rau (Financial Commissioner, Railways) : Sir, I lay on the table :

- (i) the information promised in reply to starred question No. 832 asked by Dr. Ziauddin Ahmad on the 16th March, 1932 ;
- (ii) the information promised in reply to unstarred questions Nos. 263, 264 and 265 asked by Mr. N. M. Joshi on the 23rd March, 1932 ;
- (iii) the information promised in reply to part (b) of unstarred question No. 49 asked by Mr. N. R. Gunjal on the 13th February, 1932 ;
- (iv) the information promised in reply to part (d) of starred question No. 264 asked by Rai Bahadur Lala Brij Kishore on the 12th February, 1932 ;
- (v) the information promised in reply to unstarred questions Nos. 191, 192, 193 and 194 asked by Mr. S. C. Mitra on the 18th March, 1932 ; and
- (vi) the information promised in reply to starred questions Nos. 833, 834, 835 and 836 asked by Mr. S. C. Mitra on the 18th March, 1932.

RE-EXAMINATION OF CERTAIN TRAVELLING TICKET INSPECTORS.

832. (a) The Divisional Superintendent, Allahabad, issued a circular in March, 1932 that all Travelling Ticket Examiners including the old Travelling Ticket Inspectors would be examined in the following month.

(b) The proposal to hold periodical tests for ticket checking staff to ensure that they have up-to-date knowledge of the rules pertaining to their duties was adopted at a meeting of the Divisional Commercial Officers of the East Indian Railway on 21st March, 1932 and has been approved by the Agent who has instructed all the Divisional Superintendents to give effect to it.

EXCESS OF CIVIL ENGINEERS ON THE EAST INDIAN RAILWAY.

263. (a) 17 temporary engineers were engaged on the East Indian Railway during the last five years. None of them are at present, in service.

PROMOTION OF SUBORDINATES IN THE CIVIL ENGINEERING AND TRAFFIC DEPARTMENTS, EAST INDIAN RAILWAY.

264. (b) The number of subordinates who were officiating as officers and have been reverted during 1931-32 in each Department of the Railway is as follows :

Operating Department	..	..	..	..	18
Mechanical Department	..	..	..	..	4
Stores Department	..	..	..	..	2
Electrical Department	..	..	..	..	1
Commercial Department	..	..	..	..	3
Engineering Department	..	..	..	..	3
Statistical Department	..	..	..	..	1
Medical Department	..	..	..	..	1
Printing Department	..	..	..	..	1
Total				..	34

(c) 5 Engineer officers were transferred to the operating branch to replace 5 of the subordinates officiating. The subordinates officiating in other branches reverted in the normal course due to permanent incumbents returning to their posts.

(d) The number is as follows as regards the subordinates who were officiating as officers in 1931-32 and were reverted :

Old E. I. Railway	26
Old O. & R. R.	4
Appointed since amalgamation	4
Total	34

(e) Of the 30 subordinates who were officiating as officers on the 1st April, 1932 :

19 were Europeans who all belonged to the old E. I. Railway.

7 were Anglo-Indians of whom 6 belonged to the old E. I. Railway.

3 were Hindus who all belonged to the old E. I. Railway.

In addition to the above, one European who was appointed after the amalgamation was officiating as an officer on the 1st April, 1932. There was no Muslim subordinate officiating as an officer on that date.

(f) This would depend on the number of vacancies. Government are unable to specify any time limit in this respect.

SUBORDINATES PROMOTED ON THE EAST INDIAN AND OUDH AND ROHILKHAND RAILWAYS.

265. (a) The number of subordinates officiating as officers (i) before amalgamation and (ii) in April, 1932 was as follows :

(i) Before amalgamation.

Old E. I. Railway	10
O. & R. Railway	1
Total	11

(ii) Combined system in April, 1932.

Old E. I. Railway	28
O. & R. Railway	1
Appointed after amalgamation	1
Total	30

(b) No. The second part of the question does not arise.

RECRUITMENT OF STAFF IN STATE RAILWAY ACCOUNTS OFFICES.

49. (b) (i) 29.

(ii) All of them have since been confirmed.

(iii) 30, these have been entertained only in a temporary capacity against permanent vacancies.

(iv) The seniority list is under preparation and expected to be ready shortly.

COST OF DIVISIONAL ORGANISATIONS ON INDIAN RAILWAYS.

264.

Divisions.					Total Route Mileage.
<i>Great Indian Peninsula Railway.</i>					
Bombay	..	..	..	..	193.62
Sholapur	..	..	..	..	492.62
Bhusawal	..	..	..	..	483.86
Nagpur	..	..	..	..	781.54
Jubbulpore	..	..	..	..	727.79
Jhansi	..	..	..	..	1,063.00
Total				..	3,742.43
<i>North Western Railway.</i>					
Delhi	..	..	..	..	941.9
Ferozepore	..	..	..	..	1,164.0
Karachi	..	..	..	..	1,073.9
Lahore	..	..	..	..	777.0
Multan	..	..	..	..	905.3
Quetta	..	..	..	..	1,020.3
Rawalpindi	..	..	..	..	1,209.0
Total				..	7,091.4
<i>East Indian Railway.</i>					
Howrah	..	..	..	..	653.44
Asansol	..	..	..	..	630.09
Dinapore	..	..	..	..	653.76
Allahabad	..	..	..	..	621.85
Lucknow	..	..	..	..	919.47
Moradabad	..	..	..	..	848.21
Total				..	4,326.82

DISCHARGE OF COMPOSITORS AND BINDERS FROM THE EAST INDIAN RAILWAY PRESS.

191. (a) Conditions of work could be termed as normal up to about June, 1930 after which demands showed signs of slackening and there was a continued decline up to about the end of the year. After that there was a serious shortage of work and this still continues.

(b) and (c). Yes.

(d) No. As a rule it is not possible to transfer men employed in one section of the Press to work in another. For instance compositors cannot work as binders and *vice versa*.

(e) Mr. Slater did not recommend any fixed number of binders or compositors. The sanctioned number is, however, 175 binders and 79 compositors. Against this 157 binders and 69 compositors are at present employed in the East Indian Railway Press.

(f) No. The services of only 7 compositors and 4 binders were terminated during March, 1931.

(g) Yes.

(h) Staff who could be most readily spared, were retrenched.

APPEAL AGAINST DISCHARGE BY BINDERS IN THE EAST INDIAN RAILWAY PRESS.

192. (a) Yes.

(b) No. Under Rule 10 of the "Rules regulating the discharge and dismissal of State Railway non-gazetted Government servants", a copy of which is in the Library of the House, no appeal lies against an order of discharge made on reduction of establishment. The Printing Superintendent has powers to discharge such staff.

(c) No. Only two persons named Solomon Khan and Assiruddin submitted appeals.

(d) Yes.

(e) No.

(f) In view of the circumstances explained above, this does not arise.

CUT IN PAY OF BINDERS, COMPOSITORS, ETC., IN THE EAST INDIAN RAILWAY PRESS.

193. (a) Yes, under the Railway and Posts and Telegraphs (Emergency Deductions from salaries) Rules, 1931.

(b) All industrial employees, with the exception of 12 permanent compositors, are eligible for leave under Annexure II of the Government of India, Railway Department (Railway Board) Resolution No. 8373-E., dated the 20th February, 1930. In addition to this, they get 13 days shop holidays with pay. The 12 permanent compositors referred to above were employed by the East Indian Railway Company and are eligible for holidays under the Negotiable Instruments Act, in addition. No special early holidays with pay are permitted without the official sanction of the Agent, East Indian Railway.

(c) The ministerial staff are eligible for holidays under the Negotiable Instruments Act. The industrial staff are allowed the leave sanctioned under Annexure II of the Government of India Railway Department (Railway Board) Resolution No. 8373-E., dated the 20th February, 1930 with the addition of 13 days shop holidays with pay.

(d) Yes. With the decrease of work the amount of overtime necessary has also decreased, and consequently the earnings of the industrial staff.

(e) This is due to a less number of hours being worked owing to shortage of work.

(f) Yes. The position was examined on receipt of the memorial referred to and it was found that the complaint was not justified. The revised scales of pay were fixed on the basis of the earnings of men of similar classes in other Government Presses. In fixing the initial pay of each employee in the revised scales of pay, consideration was paid to the earnings of each man during the previous 12 months and they were given as initial pay the stage of the New Scale next above their former actual earnings on a 200 hour basis. They were in addition each granted an advance increment in the new scale from the 1st November, 1930 when that scale came into force.

(g) Yes. Prior to 1st November, 1930 the Press employees worked 35 hours a week and, after that date, 48 hours a week; the same as in other Government Presses in India. The revised monthly rates are calculated for 200 hours work, and overtime at an enhanced rate of 25 per cent. is paid for work beyond 200 hours.

(h) A temporary cut in pay has been applied to all State Railway employees as laid down in the Railway and Posts and Telegraphs (Emergency) Deduction from Salaries Rules, 1931, published under the Home Department Notification F-414-34/31, dated the 17th March, 1932, and Government do not consider that there is justification for exempting the employees in question from this cut.

DEDUCTIONS FROM PAY OF INDUSTRIAL EMPLOYEES OF THE EAST INDIAN RAILWAY PRESS.

194. (a) The pay of all workshop employees, including those employed in the Kancharapara workshops and in the workshops of the South Indian and Bombay, Baroda and Central India Railways, are subject to the Railway and Posts and Telegraphs (Emergency Deductions from Salaries) Rules, 1931, to the extent provided in paragraph 4 thereof.

(b) Government do not contemplate exempting the industrial employees of the East Indian Railway Press, Calcutta and Howrah from the cut in pay. They have not been subjected to short time working.

APPOINTMENT OF INDIANS TO CERTAIN POSTS ON THE NORTH-WESTERN RAILWAY.

833. (a) Yes. It is reported by the Agent that suitable Indians other than Anglo-Indians, Christians and Parsis were, as a general rule, not obtainable for recruitment to such posts prior to 1923. Several of these posts, viz., Foremen, other than Locomotive Foremen, Locomotive Inspectors and Shunters were, ordinarily filled by promotion from lower grades while certain others, viz., Locomotive Foremen, Chargemen and Drivers were filled partly by direct recruitment and partly by promotion. Posts of Shedmen were filled by members of running staff who failed in eye-sight but were otherwise considered fit for service.

(b) Yes. With a view to train educated Indians to enable them also to qualify for these posts.

(c) The information available is given below :

The number of Indians recruited during the last 3 years is as follows :

(i) Indian apprentices recruited for	1929.	1930.	1931.
(a) Workshops	20	17	12
(b) Boy Firemen, Grade III	8	4	..
Direct recruitment to the post of Boy Firemen, Grade IV was stopped from 9th August, 1927.			
(ii) Indian apprentices appointed as Firemen, grade III	1	2	..
(iii) Indian apprentices appointed to junior and senior subordinate services in workshops	16	14	3

(d) (i) Workshop apprentices on completion of their apprenticeship are not appointed automatically to junior or senior subordinate services of the Mechanical Branch for such appointments always depend on vacancies which are of late steadily on the decrease.

(ii) Boy Firemen Grade III who were due promotion to Firemen Grade III were promoted as Firemen either against vacancies or allowed to remain in service in excess of requirements to be absorbed in future vacancies.

(e) Yes. Attention is invited to the reply to part (d) (i) above.

(f) The system has been adopted of appointing suitable lads, the majority of whom are Indians, as apprentice Mechanics and Boy Firemen with a view to their appointment on completion of training and ultimate advancement to the posts stated in part (a).

(g) The total number of staff by all communities in the service mentioned in part (a) above (excluding Drivers, Grade III and Shunters, Grades IV and III in respect of whom the information is not readily available) is :

Europeans.	Anglo-Indians.	Indians.
251	199	135

APPOINTMENT OF INDIANS TO CERTAIN POSTS ON THE NORTH WESTERN RAILWAY.

834. (a) The information for 1923 is not available. On 31st December, 1929, the number of Europeans, Anglo-Indians and Indian Drivers, Shunters, Firemen and Boy Firemen Grades III and IV on the Lahore Division was as under :—

	Europeans and Anglo- Indians.	Parsees.	Other Indians.	Total.
Drivers Grade IV	24	..	..	24
Shunters Grade IV	11	..	..	11
Firemen Grade IV	17	..	1	18
Drivers Grade III	13	1	4	18
Shunters Grade III	4	..	..	4
Firemen Grade III	18	..	30	48
Boy Firemen	10	..	7	17

The information for other Divisions is not available.

(b) and (c). There were no grades of Running Staff before 1st March, 1923.

The Running staff prior to that date were divided into

- (1) Europeans and Anglo-Indians ;
- (2) Parsees ; and
- (3) Indians.

From 1st March, 1923, the racial discrimination was removed and 4 Grades were formed for Running Staff, Grades III and IV were open to men of all creeds and nationalities provided they had the required qualifications.

(d) Number of Indian Boy Firemen or Firemen recruited in Grade III on Lahore Division during 1923—30 is 38.

Number of Indian Boy Firemen or Firemen recruited on Lahore Division in Grade IV during 1923—30 is 2 (in 1926).

Information in respect of other Divisions is not readily available.

(e) The purpose was to train Indians to qualify them for posts of Shunters and Drivers mentioned in part (a) above.

(f) The following is the detail of the staff recruited on Lahore Division during the period 1923—31 in the categories mentioned in the question :

	Boy Firemen Grade III IV	Firemen Grade III IV	Shunters Grade III IV	Drivers Grade III IV
Europeans ..	2 9	6 3	.. ..	5 2
Anglo-Indians ..	5 7	11 5	1 ..	6 ..
Parsees ..	.. ..	1 ..	.. ..	.. ..
Total ..	7 16	18 8	1 ..	11 2

The detail of staff who were promoted from Firemen in Grades III and IV to Shunters and Drivers on Lahore Division during the period from 1923—30 is as under :

						Shunters Grade III IV		Drivers Grade III IV	
Europeans	..	..	..	..	..	2	2	..	..
Anglo-Indians	..	..	..	..	..	..	5	..	..
Christians	..	..	..	..	..	..	..	..	..
Parsees	..	..	..	..	..	..	..	1	..

The information is not readily available for other Divisions.

(g)	Shunters					Drivers.	
Firemen	1	..	..
Boy Firemen	1	..	..

The information is not readily available for other Divisions.

(h) No period has been fixed for Apprentice Permanent-Way Inspectors and Apprentice Train Examiners to be appointed to posts of Permanent-Way Inspectors and Train Examiners as appointments to these posts depend on vacancies and on requirements. These remarks similarly apply in respect of promotion of Firemen and Shunters Grade III to posts of Shunters and Drivers in that grade.

Up to 31st March, 1930, Firemen recruited before 13th August, 1925, and Shunters appointed prior to 21st March, 1925, in Grade IV were promoted automatically to Shunters and Drivers in that grade on completion of the required term of service as Firemen and Shunters. From 1st April, 1930, on account of economy campaign the grant of such promotions were, however, stopped till further orders. In Grades I, II and III such promotions were not automatic.

(i) The total number of Drivers Grade IV on the North Western Railway on 31st December, 1930, was 182.

As regards other categories the information is not readily available.

Total number of Drivers Grade III, Shunters, Firemen and Boy Firemen in Grades III and IV employed on 31st December, 1930, on the Lahore Division is however given below :—

		Drivers Grade III	Shunters Grade III IV	Firemen Grade III IV	Boy Fireman Grade III IV
Lahore Division	..	20	8 6	26 16	31 6

(j) As the information for the whole line is not readily available this question cannot be replied to but so far as future recruitment is concerned recruitment to Grade IV has as already stated been stopped.

PROMOTION OF FIREMEN, ETC., ON THE NORTH WESTERN RAILWAY.

835. (a) On the Lahore Division three Indian Firemen or Boy Firemen Grade III who were appointed during the period from 1923—26 were promoted to Shunters Grade III but due to the economy campaign the number of working posts was reduced and thus the men had to revert as Firemen.

Information about other Divisions is not readily available.

(b) Attention is invited to the reply given to part (a).

(c) No. Firemen and Shunters in Grade IV are not promoted to Shunters and Drivers against the vacancies in Grade III but due to reduction of establishment the surpluses in Grade IV are being utilised against Grade III vacancies.

Recruitment to Grade IV has been stopped since the 9th August, 1927.

(d) The information is not readily available.

PROMOTION OF FIREMEN, ETC., ON THE NORTH WESTERN RAILWAY.

886. (a) The reply is in the negative because appointments to posts of Shunters and Drivers Grade III depend on vacancies and on requirements from time to time.

(b) Firemen in Grade I can only be promoted to Shunters in that grade and as the pay of Shunters in that grade is lower than that of Firemen in Grade III, there can be no question of giving the latter a chance of promotion to Shunters Grade I.

(c) The rates of pay of Grade III Firemen, are substantially higher than those of Grades I and II not only of the class of Firemen but of Shunters and Drivers.

(d) Recruitment to Grade IV has since been stopped. Grade III is open to all without any racial discrimination and the system of appointing apprentices referred to in part (f) of Question No. 833 has been adopted with a view to throwing open Grade III Drivers to qualified Indians.

(e) Firemen Grade III being literate staff are provided with rule books which consist of the rules pertaining to their trades and which they are required to study thoroughly. In addition they gain experience by actual practice in their trade under instructions from the Drivers under whom they work. They are also at liberty to refer difficult questions to their Foremen who are available at every shed on the line. A form of Competency Certificate showing what they are required to learn before passing the Drivers examination is enclosed for reference.

(f) The reply is in the negative. The posts of Grade IV vacated by Europeans are not filled up on account of stoppage of recruitment. The vacancies in Grade III are given to the suitable deserving men without any racial discrimination.

(g) Attention is invited to the reply to part (a) of the Question.

As the information referred to in Questions Nos. 833—836 was of a detailed and elaborate a character only so much has been given as was available in Headquarters office. The collection of further details would have entailed a disproportionate amount of labour.

Driver's Certificate of Competency, Loco. 84.

N. W. Railway

Father's name

(if a native).

Grade Age

Rate of pay

Service on the North Western Railway

Service on other railways

English.

Vernacular.

Educational abilities { Reading
Writing

Passed by the medical officer at for eye-sight and colour blindness
(certificate attached).

Certified that I have examined _____ and that he has satisfactorily answered all questions put to him in—

- (a) the General Rules for Indian Railways in force, in regard to signals, line clears, the working of trains on the open line ;
- (b) the management of engines under steam ;
- (c) the course to be adopted in the event of various kinds of engine failures on the road.

I have carefully tested him with regard to the management and working of the vacuum brake, and I am of opinion that he possesses the necessary knowledge of how to use and take care of brake.

He has run _____ miles as a driver under the immediate supervision of European driver _____.

Shed Foreman.

We, the undersigned, certify that to the best of our knowledge and belief the above candidate is thoroughly competent to take independent charge of an engine in the yard as shunter, and to work trains on the main line as driver.

Station.

Dated _____ 193 .

European Driver.

Shed Foreman.

Certified that I have personally examined the above candidate and am satisfied that :—

- (a) he is conversant with the general rules of Indian Railways in force, regarding the working of trains on the open line ;
- (b) he is capable of managing and taking charge of an engine under steam.

Station.

Dated _____ 193 .

Divisional Rolling Stock Officer.

The Honourable Mr. H. G. Haig (Home Member) : Sir, I lay on the table the information promised in reply to part (b) of starred question No. 112 asked by Mr. S. C. Mitra on the 3rd February, 1932.

DESPATCH OF TROOPS TO CHITTAGONG AND ARREST OF ABSCONDERS.

112. *The Honourable Mr. H. G. Haig* : The total extra expenditure incurred up to the end of January, 1932, in respect of Military operations in Chittagong is about rupees one lakh and 37 thousand.

Mr. G. R. F. Tottenham (Army Secretary) : Sir, I lay on the table :
 the information promised in reply to starred questions Nos. 352, 353 and 364 asked by Sirdar Sohan Singh on the 15th February, 1932 ;
 the information promised in reply to unstarred question No. 80 asked by Mr. T. N. Ramakrishna Reddi on the 22nd February, 1932 ;
 and
 the information promised in reply to starred question No. 928 asked by Mr. Muhammad Anwar-ul-Azim on the 24th March, 1932.

REFUSAL OF THE EXECUTIVE OFFICER, LAHORE CANTONMENT BOARD, TO CONVENE A SPECIAL MEETING OF THE BOARD.

352. (a), (b), (c) and (d). The reply is in the affirmative.

(e) The provisions of the Cantonments Act, 1924, appear to have been misinterpreted by the Executive Officer. The Vice-President, in the temporary absence of the President, has the power to convene a special meeting of a cantonment board. The error will be pointed out to those concerned.

LICENCES OF MEAT SELLERS IN LAHORE CANTONMENT.

353. (a) It was proposed to grant licences to three additional meatsellers in pursuance of the policy of free trade advocated by the elected members of the Board.

(b) and (c). Yes.

(d) Yes. He considered, and the Health Officer agreed with him, that additional shops were not required and would render efficient sanitary control difficult.

(e) The answer to both parts of the question is in the negative.

ACTION TAKEN UNDER SECTION 25 OF THE CANTONMENTS ACT BY THE EXECUTIVE OFFICER, AMBALA CANTONMENT.

364. (a) Yes.

(b) No. The action was confirmed throughout by the Board and only one member dissented.

(c) The purchase of material for the tarring of roads was necessary in order to continue a sanctioned work in progress ; and the new construction work was necessary to prevent the recurrence of accidents owing to a deep drain being inadequately protected. In both cases an emergency existed and the requirements of section 25 were duly fulfilled. The demolition of an unauthorised building should strictly, have been done under orders of the Cantonment Board and not those of the Executive Officer, but the action of the Executive Officer was based on a long standing practice. The position has been explained to the Cantonment Authority of Ambala and it is understood that the practice has been discontinued. The issue of licences to travelling cinemas was authorised under the provisions of section 124 of the Cantonments Act. The application of Section 25 was unnecessary and the section was quoted in error.

EMPLOYMENT OF CLERKS FOR CHECKING ACCOUNTS ON MILITARY DAIRY FARMS.

80. (a) No, but in 1930 a senior officer of the Farms Department went on leave, and instead of posting another officer in his place, a senior clerk was employed to carry out some of the periodical inspections of accounts and daily issues in the area, which extends from Ambala to Peshawar and Quetta. The object of these inspections was to ensure that the various orders issued by the Circle Officer about books and issues were correctly carried out. The inspections were in no sense audit checks and have now been discontinued. The Military Accounts Department carries out periodical audits of the accounts of Military Dairy Farms.

(b) Rs. 668-3-0.

QUALIFICATIONS AND COMMUNITIES OF ENGINEERS IN THE MILITARY ENGINEERING SERVICE.

928. Assistant Engineers—None.

Sub-Divisional Officers—Two Hindus and two British warrant officers.

THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Further consideration of the motion moved by Raja Bahadur Krishnamachariar.

Pandit Satyendra Nath Sen (Presidency Division : Non-Muhamadan Rural) : Sir, I beg to resume my speech on Raja Bahadur's Bill on which I spoke at some length on the last occasion. I began by saying that the author of the original Bill, Diwan Bahadur Sarda, is innocent of the Sanskrit language and, therefore, of Sanskrit shastras. I refrained from substantiating the first point that day, because I was given to understand

[Pandit Satyendra Nath Sen.]

that Diwan Bahadur was coming to-day, and I thought that it would be more fitting if I substantiated my point in his very presence, but as he has persisted in absenting himself.....

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : No, no, he is not persisting in absenting himself, but he is sick.

Pandit Satyendra Nath Sen : Anyhow, he is not in his seat here.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Chair would like to know what the Sanskrit knowledge of the Mover of the original Bill has to do with the present motion.

Pandit Satyendra Nath Sen : I beg most respectfully to submit, Sir, that he gives his translations from mere hearsay and Sanskrit texts are manipulated by him according to his own will.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : That is not the question before the House now. The Bill was placed before the House and became an Act of the Legislature. The Honourable Member wishes to amend it. He can bring forward all relevant arguments he likes in support of his view. He cannot deal now with the knowledge of Sanskrit of Honourable the Mover of the original Bill.

Pandit Satyendra Nath Sen : Very well, Sir. I shall leave the first point and try to expose the hollowness of his knowledge of the Sanskrit shastras and their translations which he presented before the House and misled the Honourable Members. Last time I quoted some Sanskrit authorities from Manu, Yajñavalkya and other authors, and I had not finished when our attention had to be diverted to another subject. I think, considering the gravity of the question, I would be justified in making some more quotations on that point. Now, this is from Samvarta, slokas 66 to 68. The first verse is :

*"Ashta-varshā bhavet Gaurī Nava-varshā tū Rohini
Dasa-varshā bhavet Kanyā ata ūrdhwaṃ Rajaswala".*

While speaking on the original Bill, Diwan Bahadur Sarda informed the House that this verse is not to be found in any of the Hindu shastras except in the Tantras, but as a matter of fact this verse does occur in Samvarta as well as in Parashara. The next verse in Samvarta is :

*"Mātā chaiva pitā chaiva jyeshto bhrātā tathaiva cha
Trayaste narakam Yānti drishtvā Kanyām rajaswalām."*

And the next one is :

*"Tasmād vivāhayet kanyām yāvanmārtumātī bhavet,
Vivāhoṣhṭama-varshāyāḥ kanyāyāstu prasasyate."*

The meaning of this is that the father of the guardian must marry the girl before she attains her puberty, and the marriage of the girl at the age of eight is most commendable.

Then I come to Parashara—VII. 6-8. His verses are almost identical with those of Samvarta.

Vyasa says (II. 7) :

“ *Yadi sa dātri-vaikalyād rajah pasyet kumārikā
Bhrūna-hatyāścha yāvatyah patitah syat tadapradat.* ”

“ If through the latches of the giver the girl menstruates before marriage, the giver is guilty of infanticide, and he becomes fallen.”

An Honourable Member : Then he should be hanged.

Pandit Satyendra Nath Sen : That will depend upon the decision of the House.

Then again, Sankha says (XV. 8) :

“ *Pitri-vesmani kanyā yā rajah pasyatyasamskritā
Tasyām nṛitāyām nāsaucham kadāchidapi sāmyati.* ”

That means that if a girl menstruates before marriage, and then dies, the unclean period due to her death lasts for ever, i.e., it is a great sin.

Mr. Gaya Prasad Singh : Is the Honourable Member convinced of the authenticity ?

Pandit Satyendra Nath Sen : Certainly, there is no doubt about it at all. They are unanimous in their decision.

Then I quote from Gautama (ch. XVIII). The Sampradana (the ceremony of giving away) must be performed before menstruation ; one who has not given his girl in marriage before menstruation is a sinner.

Sir, I do not wish to tire the patience of this House by quoting all the shastras, but I shall rest content with only giving the names and references to the other shastras. Similar texts occur in Vasishtha, Mahabharata..... (*An Honourable Member :* “ We want the slokas also.”) If Honourable Members insist on having all the slokas I have no alternative. I have got the works with me. (*An Honourable Member :* “ Go on in your own way.”) Then I shall only give the references and Honourable Members may find out the slokas for themselves. The authorities are :

Vasishtha Ch. 17 ; Mahābhārata, Anu-sāsana 44, 14 ; Bandhyana IV-1 ; Nārada 12-27 ; Gautama Grihya VIII ; Gobhila III.4.1-6 ; Hiranya-keshi I-6 19—22 ; and Pāraskara I-4.16.

(*An Honourable Member :* “ Is that all ? ”) There are others also.

Sir, I was glad that last time some Honourable Members confessed to me that they were convinced of the true shastraic view of the question but what they wanted was that they should move with the times. I thank them for their candid expression because their position is more intelligible to me than that adopted by my Honourable friends, the reformers of the day, (*An Honourable Member :* “ Including Mr. Gayu Prasad Singh ”), of course, who want to mislead the unwary public in blind imitation of western ideas. One of my Honourable friends who

[Pandit Satyendra Nath Sen.]

had the privilege of serving on the Age of Consent Committee challenged my statement and said, "Do you think that nine Indians sat together and arrived at a wrong conclusion?" My reply was, or rather will be, that my Honourable friend does not know that mere numerical strength has no value. I said something last time about voting and I repeat the same thing to-day that not to speak of nine, even nine-thousand people not conversant with the subject would not do better. Our shastras say that in matters of religion the words of even a single individual conversant with the subject are to be regarded as more authoritative than those of ten thousand ignorant men who do not know what they are talking about. The text is :

*"Ekopi vedavid dharmam yam vyavasyed dwijottamah
Sa vijneyah paro dharmah nājnānām ayutoditaih."*

(An Honourable Member : "Please translate it.") I have given it already. (Mr. B. V. Jadhav : "Where does it occur?") Reference is to Manu Chapter 12, verse 113. (Mr. B. V. Jadhav : "What is the verse?") This is the verse :

*"Ekopi vedavid dharmam yam vyavasyed dwijottamah
Sa vijneyah paro dharmah nājnānām ayutoditaih."*

(Laughter.) Sir, some Honourable Members are laughing because laughing is their special privilege. (An Honourable Member : "What is the use of laughing? They do not understand Sanskrit.")

Of all the members that served on the Age of Consent Committee Pandit Kanhyalal seems to have been a bit familiar with the shastras, but in vain does the Pandit introduce Vedic verses and say, "The Vedic texts lay down no specific age for marriage". The Pandit does not know that those texts are mostly invocations to deities and not injunctions. The injunctions are to be found in Grihyasutras such as those of Gobhila, or Paraskara or Hiranyakeshi, whom I have just mentioned, as well as Dharma Sastras and Sanhitas, such as the works of Manu, Yajnyavalkya, Parasara and so forth, to all of whom I have referred just now. The Pandit goes on to say.

"They, however, indicate that in early times a marriage was essentially a union of two persons of full development...."

He quotes some verses, Vedic verses, in support of his contention which, according to his interpretation, indicate the existence of late marriages in those days, but that does not deny the existence of early marriages as well. He then refers to marriage-mantras and remarks :

"None of these hymns could have been applicable, if the young bride was a child, incapable of bearing children and unfit to discharge her duties as a wife and as the 'queen' or mistress of the household."

But, Sir, I would like to characterise this statement as rather puerile because everybody knows that a Brahmin boy is invested with the sacred thread and is initiated into a particular mantra at the age of 8 and sometimes even at the age of 5. Are we to understand that that little boy is in a position to realise the spirit of that mantra? Then he goes on to say :

“ The Smritis, on the other hand, generally recommend the marriage of girls before puberty.”

Sir, we find that expressions like “ on the other hand ”, “ but ”, and so forth, abound in his note because he finds discrepancies at every step. This is simply due to the fact that he has failed to catch the true spirit of the shastras which are entirely at one with another. He says :

“ Jaimini recommends a girl, who is *Anagnika*, or one who has developed a feeling of modesty about her person. Gobhila recommends that an infant girl (*Nagnika*) was the best for marriage ; but he forbids the consummation of the marriage till the girl has developed the signs of maturity ”.

We should take note of words like “ but ”, “ on the other hand ”, and so forth, I do not know why he uses the word “ but ” here, because marriage is one thing and consummation is altogether a different thing. He goes on to say :

“ Gautama recommends marriage before puberty in clearer terms and condemns the father, who does not give her in marriage before puberty. Manu merely says, ‘ Reprehensible is the father, who does not give his daughter in marriage at the proper time ; reprehensible is the husband, who does not approach his wife in due season ; and reprehensible is the son, who does not protect his mother after the death of her husband.... ’ Manu goes on to say that if a suitable husband cannot be obtained, it would be better that the girl should remain unmarried even after attaining puberty for the whole of her life than that she should be married to one, devoid of good qualities ”.

Quite right, but these people are not insisting on the postponement of marriage on this particular ground. If that were their ground, our objection would have taken a different turn. He further says that if a father has neglected to arrange for the marriage of his daughter for three years after the attainment of puberty, the girl has a right to select a husband for herself. Yajnavalkya considers the father sinful, if he does not give his girl in marriage after she attains puberty. This is not true. Manu explicitly says that if the girl selects a husband herself after waiting for three years of her attaining puberty, no sin attaches either to her or to the person who marries her. This is a wrong view of the case. This sin is not the sin in respect of late marriage but the sin of over-riding her father's claim and taking the responsibility upon her own shoulders.

Parashara and a few others, *on the other hand*, consider that a person, who marries such a girl, should be considered degraded and unfit to be spoken to or to dine with, though they do not regard such a marriage as invalid.

I would ask my Honourable friends Dr. Gour and Mr. Sarla to take note of this confession.

Of all persons who spoke on the original Bill during the last debate, Mr. Jogiah seems to have a smattering of Sanskrit but he seems to have specialised in giving wrong interpretations of Sanskrit texts and sometimes he makes imaginary quotations too. He quotes 35/4 of Rig Veda :

Tamasmerā yuvatayo yuvānam

Marmrjyamānāha puriyanti āpaha.

[Pandit Satyendra Nath Sen.]

The verse means that waters surround and decorate Fire as a young maiden (or a young lady according to Mr. Jogiah) does a youth. This verse was addressed to a deity called Apamnapat which is the name of a particular phase of *Agni* or fire. There is nothing wrong in this. The simile contained in this is nothing but a simile in passing. The translation given by Mr. Jogiah is this : A yuvati shall take as her husband a yuva just as rivers take to the ocean. Wherefrom does he get this injunction that a yuvati shall take as her husband a yuva. This is foreign to the verse. Then, he quotes another verse :

Vadhūriyam patimichchayanti eti.

which means “ ‘The woman goes desiring a husband’. This lends support to what is previously stated because no female goes desiring a husband unless amorous desires spring in her, i.e., after puberty ”.

But, Sir, a desire can certainly be present in a girl of 11 or 12 years. Of course it cannot be present in girls who are too young and Honourable Members must remember that our shastras are against the marriage of girls who are too young. But, Sir, that is not the only point. This verse was addressed to a deity called Indra and the meaning is that Indra's wife desirous of the company of her husband is coming to the sacrificial ground. That is the meaning of this and yet so much fuss has been made of this verse.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : On a point of order. Is the Honourable Member entitled now to refute arguments in speeches delivered in previous sessions of the Assembly ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : So far as they are relevant to the issue now before the House.

Pandit Satyendra Nath Sen : Sir, I thank you for your ruling. My position is that lots of rubbish were heaped on the subject by previous speakers and it is only desirable that they should be removed fully so that, whether we gain or lose this time, some abler man may come and utilise these materials more successfully.

Mr. S. C. Mitra : You maintain that it was irrelevant ?

Pandit Satyendra Nath Sen : These issues were raised and discussed by previous speakers. (Interruption by Sir Hari Singh Gour.) If Honourable Members do not like me to continue.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : On the last occasion the Chair drew the attention of the Honourable Member to the fact that the Bill proposes that certain communities in India should be exempted from the operation of the Sarda Act. The Honourable Member's whole speech appears to be directed against the Act as a whole. The Mover does not want that the Act should not apply to the communities other than those he has mentioned in his Bill. The Chair drew his attention on the previous occasion to that aspect of the question and still the Honourable Member goes on arguing that the whole Bill is wrong. The points relevant to the discussion are these. The Act may

be good, bad or indifferent so far as other communities are concerned but it should not apply in future to the specific communities mentioned in the Bill and if the Honourable Member will restrict himself to that issue he will be perfectly in order.

Pandit Satyendra Nath Sen : The total repeal of the Bill is the thing which is really desired, and I think this amendment is tantamount to a repeal because.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member will have to accept the ruling of the Chair. The Bill does not propose to repeal the Sarda Act. It merely wants that certain communities specifically mentioned should be exempted from the operation of the Act. The Honourable Member can argue on religious or shastric grounds that this Act should not apply to those communities. Then he would be relevant but he is quite out of order in going into the whole aspect of the Sarda Act as it applies to all communities.

Pandit Satyendra Nath Sen : Very well. I shall not press this point further and shall pass on to the next point. Sir, I have already informed Honourable Members that our Shastrakars are against the marriages of girls who are too young. The authoritative text on that point is :

Sapta-samvatsarād ūrdhwaṃ vivāhaḥ sārva-varmikah.

“ Amongst all castes, the marriage of a girl should take place after she attains the age of 7 ”, that is—not before the age of eight.

Mr. Lalchand Navarai (Sind : Non-Muhammadan Rural) : Will that apply in the case of all Hindus or only in the case of Brahmins ?

Pandit Satyendra Nath Sen : Well, that is the general rule.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Please go on.

Pandit Satyendra Nath Sen : Sir, if the proper view of marriage is taken, then our reformer friends will absolve us of the charge of early marriage in the true sense of the term. We never advocate real early marriage. Sir, marriage, according to the Hindu shastras, is nothing but a mere act of “ sampradan ” or giving away, or mere betrothal. The ceremony of consummation is an altogether different sacrament and comes later. Our reformer friends who are more familiar with Western ideals than their own confuse the two things, and that is the root of all this difficulty. The only charge that can be laid at our door will be that we hold that the ceremony of consummation *should* be performed on the attainment of puberty and should *not* be delayed further. As to that, I cited some authorities on the last occasion—including the view of Dr. Green-Armytage, the greatest obstetrician in India. I shall now quote some further opinions on the subject and I shall base my statements on the Census Report of 1921. The infantile mortality of Upper Burma is 215 per thousand amongst males and 192 amongst females, and that of Lower Burma, 244 amongst males and 221 amongst females. It is further found that in Chili the

[Pandit Satyendra Nath Sen.]

infantile mortality is 315, in Russia 245, and in Hungary 204, whereas in India it is 212 amongst males and 199 amongst females ; that is to say, the general average of infantile mortality is about 205 only. Sir, in spite of the general prevalence of early marriages in India, the percentage of feminine mortality to male mortality are 89 in Bihar and 91.2 in Bengal as against an average of 90.5 in Europe. Thus we find that in Bihar, which is the most-early married part in India, the female mortality as compared with males is better than the average in Europe. We also find figures given on page 302 of the said report showing that the percentage of feminine mortality even in Bengal is considerably lower than that in Scotland and Ireland. Sir, while talking about these mortalities, we should always remember that recurrent floods and famines play not an unimportant part in them in India, but in spite of that the results are certainly encouraging. I shall now, Sir, quote some authoritative opinions on the subject. In doing so I should like first of all to refer to an Indian authority, namely, the Susruta Samhita, which has been the subject of some misconception. It was referred to by my friend, Mr. Gaya Prasad Singh, and some other Members also on the previous occasion. Speaking of physiological growth, Susruta says :

"Pancha-vimse tato varshe pumān nārī tu shodase

Samatvāgata-viyan tu jānīyēt kusalo bhishak".

"A man is fully developed at the age of 25, and a woman at the age of 16."

This has reference only to physiological growth. As to reproductive growth, he has said something else :

"Athāsmāi pancha-vimsati-varshāya dvādasā-varshām patnīm āvāhet."

"A man of 25 should marry a girl of 12."

Now why is it that he has prescribed these two ages,—25 and 12 ? The reason are :

"Una-dvādasā-varshāyām aprāpatah pancha-vimsatim

Yadyādhatte pumān garbham kukshisthah sa vipadyate.

Yāto vā na chīram jīvej jīvedvā durvālindriyah

Tasmād atyanta-vālāyām garbhādhānam na kārayet."

"A man of 25 should not beget an issue on a girl below 12, because if he does that, there will be an abortion. The child will not live. And if he lives at all, he will not live long, and if he lives long, he will be a weakling."

Sir, the current reading is :

"Īnashodasā" (below 16) in place of "ūnadwādasā" (below 12).

The edition from which I am quoting was published from Bombay in the year 1915, that is to say, long before this agitation began, and the Editor says this in a foot-note, viz. :

"Unadwādasā-varshāyām iti hasta-likhita-pustakasthah pāthah."

Although I have adopted the reading of "Shorasha", the reading in all the hand-written manuscripts is "Divadasa". And, Sir, in a copy of the Susruta Samhita published from Calcutta, although the reading in the text is "16", the reading in the commentary—the

standard commentary—is “12”. Therein lies the beauty of the confusion and there are innumerable evidences in the Susruta Samhita itself to show that Divadasa must be the correct reading, because Susruta gives almost the daily routine after the girl menstruates and he prescribes cohabitation on the day when she takes her bath, but he never says that cohabitation should be delayed by four years. Rather, he says in the clearest terms that, after taking her bath on the conclusion of the menstrual period, she should see the face of her husband so that she may give birth to a son resembling her husband. Now, this presupposes the existence of the husband. Now I shall quote a few lines from a Western scholar, without which our reformer friends will not be satisfied. In “Hymen” Norman Haire says :

“ At this age normal youths and maidens are ripe for mating. Puberty has ensued as a direct result of the increased activity of the gonads—the boy or girl is now an adult.”

Marks the words “ the boy or girl is now an adult ”.

“ Mating *should* occur without further delay.”

Mark the word “ should ” which is in the author’s own italics.

“ Mating *should* occur without further delay.”

That is, as soon as they attain puberty.

“ Long postponement of normal sexual activity may lead to physical and mental ill-health, to a continuance of autoerotic activity (*which in the adult is an unsatisfactory substitute for normal sexual intercourse, and which, if persisted in too long, may even lessen the person’s fitness for normal mating*), or to various forms of sexual aberration.”

Mr. S. C. Mitra : How does it help your argument ?

Pandit Satyendra Nath Sen : Why not ? It is prescribed at the age of maturity.

Mr. S. C. Mitra : To marry without delay. That is the point here.

Pandit Satyendra Nath Sen : You have missed the previous lines. His prescription is that mating *should* occur without further delay.

Mr. S. C. Mitra : Of adults and not of girls of eight years of age.

Pandit Satyendra Nath Sen : I am not speaking on behalf of girls of eight years of age : I am speaking about girls who have attained the age of puberty.

Now, Sir, a word to my Rajput friends. I am sorry my Rajput friend Mr. Gaya Prasad Singh is not in his seat now. My friends are under the misconception that amongst the Rajputs late marriage is the custom and that is prescribed by the shastras. Sir, I do not deny the existence of late marriage in their society. It is simply due to the fact that Gandharva form of marriage is especially sanctioned for Kshatriyas. But that does not deny the existence of early marriage in that society. As a matter of fact, early marriage was the normal course. I ask them at what age was Sita married to Ramchandra ? She was junior to Ramchandra by seven years. When asked by Viswamitra to part with Ramchandra for the destruction of the demons Dasaratha said that Ramchandra was below 16 (i.e., 15) and therefore he was not prepared to part with him. We know also that when Sita was speaking to Ravana she said that Ramchandra was

[Pandit Satyendra Nath Sen.]

at that time 25 years of age and she was 18 years old. So, at the time of marriage Sita was 8 years old, because Ramchandra was asked by his father to accompany the sage Viswamitra at the age of 15. Now, I ask my Honourable friends whether they will imitate Sita or Mayo, Ramchandra or Sarda ?

I now turn to the social side of the question. The one hackneyed argument against early marriage is that it will swell the number of young widows. Sir, I beg to submit that this argument will not weigh much with the orthodox Hindus who believe that the acts done in the previous births of an individual have got much to do with the shaping of his destiny. If there are some Honourable Members who are not prepared to subscribe to this view, then I shall have to begin with the a, b, c of Hindu philosophy. But I am afraid I shall not have enough time to do so in this House. The figures supplied by Mr. Sarda himself during the last debate show that the number of young widows between the ages of 1 and 15 is 3,36,000 ; so the number of widows below 14 years will be about 3 lakhs. We are very anxious about these 3 lakhs out of a total population of 24 crores of Hindus. The number of widows between the ages of 15 and 30 comes up to 23 lakhs or over. What are you going to do about them ? (*Mr. B. V. Jadhav* : They should be allowed to re-marry.) I think our attempt to decrease the number of widows below 15 will perhaps increase the number of widows above 15. This is, of course, according to the plain arithmetical calculation and we know that these calculations do not stand because the society is not a static body but a dynamic body and one change in the existing conditions will perhaps change the whole thing materially, and all our calculations will fall through. However, looking to the conditions prevailing in other countries, I am afraid, that any attempt to oppose early marriage will increase the number of abortions. I should like in this connection to quote a few lines only from such persons as are in a position to speak on the subject from their personal experience. This is from John Cowan :

" Nowhere in the history of the world was the practice of abortion so common as in this country (*namely, America*) ; in New England alone, many thousand abortions are procured annually"—*Science of a New Life*—The following is from Dr. Edith Hooker—" In the course of one year in Baltimore city more than one thousand little girls under the age of 12 years were found to be the victims of unscrupulous men."—*Laws of Sex*.

Then, from Dr. Lowry :

" One who has not been in close contact with the girls of this age, cannot realise the extent of immorality among them. Formerly it was considered that only boys sowed wild oats. Now we find many girls do the same also."

This is from Justice Benn Lindsay :

" Hundreds resort to the abortionist. I do not guess this. I know it."

I may be allowed to quote a few lines more from two more authorities. This is from "*Studies in the Psychology of Sex*" by Havelock Ellis :

" The age of sexual maturity occurs much earlier, both physically, as well as psychically, and is determined in women by a very precise biological event, the completion of puberty on the onset of menstruation. Among peoples living under natural conditions in all parts of the world, it is recognised that a girl becomes sexually a woman at puberty ; at that epoch she receives her initiation into adult life and becomes a wife and a mother. To declare that the act of intercourse with a woman who, by the natural instinct of mankind generally, is regarded as old enough for all the duties of womanhood is a criminal act of rape, punishable by imprisonment for life, can only be considered an abuse of language."

The following is from Ellen Key :

“Never do greater possibilities exist for the happiness both of the individuals and of the race than in a love which begins so early that the two can grow together in a common development ; when they possess all the memories of youth as well as all the aims of the future in common ; when the shadow of a third has never fallen across the path of either.

If this wonderful love were really the first and only one which fell to the lot of every young man and woman, and were it always possible for them to realise it at the right time then there would neither be a problem of morality nor of divorce.”

Sir, I now come to the political aspect of the question. We are now passing through a political unrest unprecedented in the country. The Government have estranged the feelings of a very large number of people who have now joined the civil disobedience movement. Only the orthodox people were hesitating because they are averse to rise against their King whom they look upon as the custodian of their religious liberty. At this critical juncture, Government thought fit to identify themselves with the reformers and to penalise the religious practices of the loyal Indian subjects. Orthodox people are being harassed for their predilection to their religious injunctions which are certainly more salutary than the “*Delhi-ka laddu*” brought in by the reformers who always imitate Western fashions and customs. The Government cannot disown their responsibility in this matter because it was with their support that the original Bill was passed. It is not a fact that the Act is a dead letter. Hundreds are being convicted and thousands are being harassed. Blackmailing is going on in full swing. If Government would persist in thrusting upon the orthodox Indians their own manners and customs, the result will be disastrous and the whole country will flare up into revolt. This is what we read in *The Revolt of Asia* by Upton Close :

“All Asia has flared into revolt against the dominant white man. The revolt takes three main phases. It is against the white man’s political rule, the imposition of his culture and religion and, most deep-seated of all, his arrogant assumption of social superiority.”

Sir, I should request the Honourable the Home Member to take a timely warning and try to rally round the orthodox Indians. Let the young men and young women be married at the proper time so that they may turn their attention to domestic affairs and not find time to join the civil disobedience movement. About 90 per cent. of the young prisoners, including the terrorists, unmarried, and I think this pernicious Sarda Act is partly responsible for this, because it keeps these young brains idle and encourages their evil propensities. I would have made a special request to the Honourable the Law Member, but I am sorry he is not present in his seat. Before I resume my seat, I would ask one question point blank to my unorthodox friends who are the supporters of the Sarda Act. On what ground or grounds will they still support the Sarda Act ? On shastric grounds ? I have quoted shastras in my favour. On medical grounds ? I have quoted authoritative opinions on the subject. On social grounds, I have given my arguments. Then what else ?

An Honourable Member : On common sense.

Pandit Satyendra Nath Sen : That is not above all these. I know this is due to nothing else than a tendency for blindly imitating Western manners and customs. These people are obsessed with the idea that everything Western is worth imitating. They forget that the Western societies

[Pandit Satyendra Nath Sen.]

are still passing through an experimental stage. Ours is a civilization which is perhaps the most ancient in the world. We have got nothing to learn from them. As a reply to the mistaken mentality of my heterodox friends I would quote the words of that eminent Orientalist, the late Sir George Birdwood, K.C.I.E., C.S.I., LL.D., M.D., M.R.C.S., Laureate of the French Academie, Legion of Honour, etc., who writes in his book entitled "SVA", with a wealth of ennobling sympathy and a fund of chastening humility, born of true knowledge :

".....To these, the four Varnas, 'colours' or 'castes' I dedicate this book, in testimony of the affection that glows within my heart for my motherland 'Sri Bharata' and its sacrosanct people....."

"...the outward and visible charms of these fair Chitpavnis (Maharatta Brahman women) faithfully mirror the innate virtues of their pure and gentle natures..... perfect daughters, perfect wives, perfect mothers....."

"....a self-contained, self-dependent, symmetrical and perfectly harmonious, industrious economy, deeply rooted in the popular conviction of its divine character and protected through every political and commercial vicissitude by the absolute power and marvellous wisdom and tact of the Brahmanical priesthood."

"....And this is the unhappy India of the writers on that country who know not the things that really belong to her peace and have acquired all their knowledge from statistical abstracts and Blue books. Unhappy India, indeed, I might rather bemoan the unhappiness of England where faith for nearly four centuries has no fixed centre of authority....."

"....What we call prosperity exists only in figures and has no place in the personal experience of the West....."

"Happy India indeed....' but how long '....."

The Honourable Mr. H. G. Haig (Home Member) : Sir, I rise to explain—I hope quite briefly—the general attitude of the Government towards this Bill. I should not attempt, even if I were qualified, to follow the Honourable Member who has just sat down through the learned authorities which he has quoted and expounded. I wish to deal with this question on quite broad and general lines. Now, Sir, you have explained that this Bill does not attempt to repeal the Sarda Act, but merely to amend it in certain particulars. At the same time the particular classes which this Bill seeks to exclude from the operation of the Child Marriage Restraint Act are, as I understand it, precisely those classes against whom the Act was very largely directed. And, therefore, it is natural that the introduction of this Bill should bring up all those difficult controversies which engaged the attention of this Legislature in the years 1928 and 1929. The questions at issue naturally rouse deep feeling ; it is the old issue between tradition and conservatism on the one side and reform on the other. On the one side we have considerations of social and physical welfare, on the other we have considerations of long-standing practice based on religious ideas. On the one side there are the practical facts, what one might call the human side of the problem ; the object of those who promoted the Child Marriage Restraint Act was to alleviate human suffering and to promote what in their view was a humane measure of social improvement. On the other side,—and I do not wish to minimise in any way the strength of the feeling,—on the other side were those who stressed principles which they had been brought up to reverence and

were inclined perhaps to idealise the facts and to argue that the practice was not inconsistent with those agreed fundamental ideas of the welfare of the race. Well, Sir, that was the problem that confronted the Legislature in 1928 and 1929 and what I have to deal with is the attitude of Government now. One of the previous speakers mentioned with approbation some cautious remarks made by a very distinguished predecessor of mine. Those remarks no doubt indicate the general attitude of Government to these controversial social questions. They are bound to approach them with the utmost caution ; but, Sir, I maintain that in this case Government did approach these questions with great caution. The Act which it is now proposed to amend was under consideration in the Legislature for something like two years. It was circulated for opinion twice ; it went through the scrutiny of two Select Committees. While it was under consideration a special committee was appointed known as the Age of Consent Committee which toured round the whole of India endeavouring to obtain facts and opinions. All that material was before the House and before Government when the Bill came up for final consideration towards the end of 1929. Government felt that an evil undoubtedly existed and they came to the conclusion after the most careful reflection that it was their duty not to ignore what they felt to be a very definite evil but to lend their assistance to those who wished to take the first step in reforming that evil.

Well, Sir, the Child Marriage Restraint Bill was fully debated in this Assembly in 1929 and was finally passed with the aid of Government by a large majority. What facts are there before us which should lead us to revise our opinions or to change our attitude to-day ? I am aware of none. It might be that opinions in the country had shown a great change, that experience might have revealed certain difficulties or hardships that had not previously been expected. But, Sir, nothing of the sort in my view has happened since 1929. We have kept in close touch with the situation in the country in this matter. During the course of 1930 and 1931 we have had reports from Local Governments regarding the working of the Act, and the general conclusion which we have drawn from these reports is that the operation of the Act is in no way oppressive. Indeed a criticism has been made by the more enthusiastic supporters of this reform that the number of prosecutions has been disappointingly few. I do not think I can accept the view of the facts that was put by the Honourable Member who spoke last. There have not as a matter of fact been a large number of prosecutions and we are not aware of large numbers of persons being harassed as a result of this Act. My own view, Sir, in regard to a great social problem like this is that it is not possible to change in a moment the outlook and the practice of millions of people ; we cannot expect merely by a penal measure to effect an immediate transformation. Many who supported the Act did so with the idea not that it would be used to coerce people on a large scale by penalties, but that the existence of the Act and the statement of public policy that it contains would gradually exercise an educative effect on the practices and beliefs of the people and effect that conversion of public opinion which is the real sanction of all such measures. That process, Sir, I believe is now in operation and I would urge the House not at this moment to interrupt it. The advice which I

[Mr. H. G. Haig.]

venture to give to the House on general grounds is reinforced by a special consideration which arises out of the present constitutional position. We are coming to the end of an era ; within a few years we expect to see in operation a series of new legislatures from which the official element will have disappeared. That official element is undoubtedly a complication in dealing with a question that so vitally affects the life of the people as this Bill does. And, Sir, I should have supposed that it was wiser that both sides should call a halt and that they should await that stage now rapidly approaching when these questions can be settled by the representatives of the people for themselves without the complicating factor of official intervention. Social reform questions, Sir, in my opinion will form an ever-increasing interest of the new legislatures. Let us leave this question of the future of the Child Marriage Restraint Act to those legislatures. That being our position, the House will understand that the Government will feel compelled to oppose this motion.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

Pandit Ram Krishna Jha (Darbhanga *cum* Saran : Non-Muhamadan) : Sir, I rise to support this motion. The motion before the House is in one sense a restricted one, but in another sense it is a very broad one. Of course, it has been remarked that some of the discussions which have already taken place are beside the mark, because they relate to the broader aspect of the question although the motion is a restricted one. I find on going through the Bill that this Amending Bill can both be called a restricted one as well as a general one. In the first place, it seeks to exempt certain communities named therein like Brahmins, Vaishyas, Sourashtras, but subsequently in the next sentence it says " other communities in which post-puberty marriage is forbidden by their religious usages or customs ". Therefore, I submit that this cannot be called a Bill that is confined to a particular community. Let us therefore examine the provisions of this measure from either point of view. So far as the feeling among the community is concerned, it has been said that there is no feeling, but before we make a general statement and examine the position, let us remember that in a vast country like India which is inhabited by different communities which have got different cultures and different modes of life, in fact in every province you will find that there are two sections of them. One section has always been, even before the Sarda Act came into force or was even contemplated, solemnising post-puberty marriages. So far as they are concerned, they are not touched, and it will be idle to say that that community would not give any support to Sarda Act. There is another section of the people—those who have been performing pre-puberty marriages from time immemorial. Now, let us see how those people have re-

ceived this measure. The Honourable the Home Member seems to be rather in doubt whether there is any feeling at all amongst people who are affected by the Sarda Act. I say the best proof which the Government can possibly have, and which this House can possibly require, is already there. Honourable Members will notice that in to-day's agenda there are as many as eight Bills, either for introduction or for consideration, to whittle down the Sarda Act. Now, it cannot be said that all those Honourable Members who have brought forward their Bills are, as Sir Hari Singh Gour would say, backward. My friend Sir Hari Singh Gour even went the length of saying that the Mover of this Bill was probably one of the old school of thought and, possibly, a backward. Sir, I entirely repudiate that suggestion, for in my humble opinion one cannot be called an advanced man simply because he adopts a new culture giving up his own or he apes foreigners. What have the oppositionists to say with regard to my friend Mr. Ghuznavi? He is one of those people who has brought forward one of these Bills to whittle down the Sarda Act. Can it be said that my friend is not an up-to-date man? Can it be said that he is not a true Muhammadan? What about my friend Mr. B. N. Misra? He has received as much English education as my friend Sir Hari Singh has; of course, Sir Hari Singh may have subsequently received a little more education, but they began together. Mr. Misra has got the English training. Will my friend Sir Hari Singh Gour call Mr. Misra a backward man according to his definition of the term 'Brahmin'? Mr. Misra is as much advanced or forward as my friend, Sir Hari Singh Gour. Can it even be said that those who are against this Bill are backward people? My point is this. A certain practice has been in existence from time immemorial. By a certain legislative enactment you want to change it, and then you want to get support from the very people whom it does not affect. Then you say that there is no feeling in the matter. What is your proof for it? On the other hand, I have given you the best possible proof which does not require any further support.

The second question is this. Is it not, Sir, within the experience of every Indian Member, Hindu or Muslim, that a number of marriages have been performed since the Sarda Act was enacted in utter violation of that Act? It is not only in communities which my friend, Sir Hari Singh Gour, would call backward that such marriages have taken place but in other communities also. Families which used to perform post-puberty marriages before the Sarda Act was passed are continuing it.

Now, people who used to perform pre-puberty marriages are still continuing to do so in spite of the Sarda Act, and they have done it in utter disregard of the Sarda Act. In fact in the constituency from which I come, there is such a feeling against the Brahmin community that one of them said 'what does it matter to others how or when we marry our girls'. Sir, I will again repeat that you should not rely upon the views of the people who have been performing post-puberty marriages from time immemorial. You have to examine the whole question from the point of view of those who are affected by this Bill. Now, in the face of these facts, can it be contended that the people affected by this Act have been reconciled or the Bill is acceptable to them? I submit, Sir, it is not so.

[Pandit Ram Krishna Jha.]

Now, Sir, there is another important fact which has to be considered, and it is this. As the Honourable the Home Member remarked, there have been a surprisingly small number of prosecutions. In fact in my district alone there must have taken place at least 4,000 marriages both in the high caste as well as in the low caste people within the last two years, and there have been so far only two or three prosecutions, and most of these prosecutions were undertaken not in the interest of the girl as a result of the Sarda Act, but purely out of spite. When there is a question of property involved, people take advantage and harass their enemy. It is only out of sheer spite that these prosecutions are started. This again clearly demonstrates how far the community affected is reconciled to it or how far they regard it as something which they can easily ignore. I submit, Sir, it is not correct to say that the communities affected have not raised their voice against the measure and therefore the Government cannot move in the matter.

Another point which this Honourable House ought to remember is that a practice which has been in existence from time immemorial should not be interfered with so lightly and so suddenly. If the Honourable Member Mr. Sarda had endeavoured to introduce reform bit by bit, perhaps he would not have had to face so much opposition, but to make a radical alteration in the law which has existed for long is, to say the least, simply, absurd.

Then, so far as the religious aspect of the question is concerned,—I am not going to refer to the authorities which my friend quoted this morning,—it is a settled fact that Hindus, particularly those Hindus in whose family pre-puberty marriages have been performed, regard these marriages not as a social function, but they regard them as part of their religion, and for people of that class to be told the doctrine which Sir Hari Singh Gour has enunciated is simply absurd. In fact, I expected that he would say that not only people above 18 should contract marriages but that every marriage should be annulled if it was performed before the age of 18. This is a proposal which sounds very startling to any Hindu who regards marriage not as a contract under the Contract Act but as part of his religion, to any Muhammadan who regards marriage not as a contract under the Contract Act but something much higher than a contract and much more sacred. I, therefore, submit that, although the so-called progressive people regard the Sarda Act as something which is very helpful, as something which is very beneficial to the community concerned, their opinion counts very little. It may be that these gentlemen who call themselves most progressive, who have given up their old modes of life and have taken to the Western ways of living—they may say that one must take eggs instead of ordinary vegetable or potato. They may come forward to-morrow and say, “You backward people, you do not know your own interest; you do not know science, and you do not know what will lead to your longevity. It is not bread but it is eggs that will conduce to it, and therefore legislation should be forced down the throats of the so-called backward people.” (Pandit Satyendra Nath Sen: ‘That is in store for you’)...that in order to improve their lot, to improve their longevity every Hindu should every morning take half a dozen eggs.” Things like that are absurd.

You cannot go and force down a piece of legislation against the wishes of people who do not like it. If you hold one view, they hold another view. You must respect my view as much as I am bound to respect your views. If they had expressed themselves clearly at the time of the elections that they were going to give consent to the Sarda Act, many of my Honourable friends would not be here to-day. They merely came on political issues ; they never told their electorates that they were going to give consent to the Sarda Act in the name of the community. Then it is said that people were consulted. Who were consulted ? If the issue of the Sarda Act had been placed before the constituencies at the time of election, then those who would have been returned would have every claim to say that they represented the view of their constituencies. You never put this issue at the time of the election, you never consulted your constituencies, and now you come here to give consent to an obnoxious piece of legislation. In fact, Sir Hari Singh Gour relied much more upon the principle of the doctrine of *res judicata* than upon anything else. With all respect to the learned doctor, may I say that the most essential part of the principle of *res judicata* is that the parties must be heard beforehand. Who were heard ? Sir Hari Singh Gour had been heard, and similar other representatives might have been heard, but does my Honourable friend suggest that at the time the Sarda Bill was on the anvil of the Legislature he consulted his Hindu electors ? The question narrows down to a small issue, which is whether on the strength of the opinions of persons who are not affected by the Act you are going to force it down upon persons who are affected ? I submit the issue is very plain and there can be no difficulty whatsoever in deciding it. The Honourable the Home Member said that no new facts have been brought forward. I should like to tell him that there is a very, very important piece of evidence before him, namely, there are any number of Bills either for introduction or for consideration to whittle or to repeal the Sarda Act. You cannot say that these Honourable gentlemen have done it irresponsibly. They are Members of this House as much alive to their responsibility as any one here. Then what justification is there for saying that there are no new facts to suggest that people want an amendment of the Act ? I submit therefore that there are sufficient grounds for amending the Act, and I will go further. I would say that the idea of prestige on the part of the Government should not outweigh the consideration that a large section of the people, particularly Brahmins, in every part of the country, are decidedly against the Sarda Act. On these grounds, I support the Bill.

Kunwar Raghubir Singh (Agra Division : Non-Muhammadan Rural) : Sir, I am one of those who are opposed to the interference of Government in social and religious matters, but here the Government did the right thing in accepting the Bill of Diwan Bahadur Harbilas Sarda. I would not have taken part in the debate if my community, I mean the Brahmin community, which has been sought to be excluded by this Bill of the Raja Bahadur had not been taken in. Fortunately or unfortunately, I belong to the Brahmin community in which child marriages are very common, and, if we see the statistics, we find that among Brahmins and Vaishyas, who are also sought to be excluded by this Bill, the largest number of widows exists. So I wish to oppose the motion put before the House by the Raja Bahadur. The Sarda Act sought to lessen the number of widows as can be seen by the fact that

[Kunwar Raghubir Singh.]

girls below the age of 14 will not be widows because they will never be married. Then it wanted that the children should not be weak as the boys and girls will be married at a late age. They will not be as weak as we see in these days. If the Honourable the Mover and his supporters had had the benefit of this Act they would not have seen such weaklings as we see to-day. It was in the interests of humanity that the Child Marriage Restraint Act was passed. It was very kind of the Government in the days of Sir James Crerar to have helped in the passing of this beneficent measure. Now, our present Home Member has taken a very good line of action as was evident by his speech which he delivered this morning. From Pandit Satyendra Nath Sen's speech I thought that all the shastras of the Hindus were against the marriageable age fixed by the Child Marriage Restraint Act, but, Sir, my reading of the shastras is different. According to my reading of the Hindu shastras, my view is that the boys below 25 should not be married and girls below 18 should not be married. The amendment of the Act as proposed by the Raja Bahadur would go against this and so it will be unshastric, if I may say so.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Could you quote some authority ?

Kunwar Raghubir Singh : Not offhand. I am not speaking about Muhammadan law. I am speaking about the Hindu shastras. As there are contrary opinions in law, civil and revenue, there are also contrary opinions in shastric law. In law making we have to see the needs of the day. One injunction has been so often quoted here that I cannot help repeating it here. It says :

"Asht varsha bhavet gauri nava varsha cha rohini."

I do not know Sanskrit but I quote this from the speeches of other speakers. This law was made at a time when girls, unmarried girls, were forcibly carried away by foreigners who came to our country. Now, I may be wrong in my reading of history. I do not know about that but under the British Government it is unnecessary now. So the shastric injunction does not hold good to-day. It can have no bearing now. Hindu society is not stagnant but progressive people and reformers should not be thought to be Westernised people, as Pandit Sen thought. Pandit Madan Mohan Malaviya, one of our greatest orthodox leaders, though he might have opposed the Child Marriage Restraint Act as it was put before the House, was against child marriages. He is against early marriages as other reformers are and he cannot be a Westernised reformer. My constituency is overwhelmingly in favour of the Child Marriage Restraint Act and if my community or for the matter of fact the Vaishyas are exempted from this Act its benefits will be lost to us. If the case of the Brahmins of Southern India is different, from where the Mover of the motion comes, then he should say so but in my province the Child Marriage Restraint Act has given much benefit and the disadvantages of early marriages are slowly but surely going away. The Child Marriage Restraint Act is putting a strong break on the evils which prevailed in the Hindu society before the passing of this Act. The days of the orthodox people of the type of the Honourable the Mover are gone. They are ploughing a lonely furrow but the public as a whole

and most of the educated men in the country stand for the Act. With these words, I oppose the motion before the House. (Cheers.)

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadian Rural) : I regret that I have again on this occasion to cross swords with the learned Raja Bahadur and the learned Pandit from Bengal. They are very good friends of mine and I feel great respect for their opinions. They are quite sincere in their views and although I have the disagreeable task of differing from them, still my respect for them and my honour for them will not diminish. They really believe what they have been preaching in this House. They really think that the salvation of India and the Hindu religion lies in observing the conditions that have been laid down in the Smritis thousands of years ago. The Raja Bahadur said that the Rishis existed about two thousand years ago. I think it might have been a slip. I speak subject to correction. Two thousand years ago may mean about the time of the birth of Christ.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly : Non-Muhammadian Rural) : From time immemorial. The memory of man does not extend so far.

Mr. B. V. Jadhav : Let it be time immemorial. May I ask one simple question, whether the Manu Smriti that is now in existence is the original book that was compiled by Manu ? Is there any guarantee about that ? In the Manu Smriti it is said that there were 100,000 slokas which were distributed among the three worlds and about 33,000 slokas were given to this world. But in the volume handed down to us there are not more than 4,000. Where are the others gone ? No one can say that the Manu Smriti in our hands is the original work compiled by Manu. We find quotations from Manu in other works which are not traceable in the edition that is now in our hands. That leads to the conclusion that the original work is lost and we have been left with a spurious edition. At the same time I may point out that all these injunctions and commandments that are passed off as coming from Manu are only heeded or observed in the case of women alone. Manu has laid down certain doctrines and certain conditions for men which are constantly evaded and broken but no Brahmin or Brahmin pandit ever says anything about that. Manu says :

*“ Yonadhitya dvijo Vedamanyatra kurute shramam,
Sa jivanneva shudratvamashugachchhati sanvayah.”*

I am going to point out to the House that the restrictions about the conduct of men are lost sight of and it is only those about women and girls that are insistently brought forward and every attempt is made to restrict their liberty and thus to put them down.

The Sloka means that “ a Brahmin who does not study the Vedas and takes pains to study other sciences, in this very life comes down to the position and status of a Sudra, not only himself but with all his family and with all his descendants ”.

Mr. N. M. Joshi (Nominated Non-Official) : Where is the harm of becoming a “ Sudra ” ?

Mr. B. V. Jadhav : But then the Brahmin ought not to come here and say that he deserves and needs protection, and so on.

Pandit Ram Krishna Jha : Why not leave the Brahmin alone ?

Mr. B. V. Jadhav : We were inclined to leave him alone, but you will not allow us to do so. Why do you ask for special privileges, and special exemptions for Brahmins alone ? On the last occasion the Raja Bahadur said that the Rishis of old had great foresight and had laid down rules for the conduct of everyday affairs. May I point out that many of these Rishis who have laid down rules of conduct were not always virtuous themselves ? (Laughter.) In the Mahabharata it is said that the Rishi Dirghatamas laid down certain rules simply because his wife had disobeyed him. And what was the behaviour and conduct of this lawgiver. Sir, it will not bear repetition in this House, so I will not disclose it ! In Svetketu, who has been quoted in season and out of season, is also said to have laid down certain rules to control the conduct of women and that too on occasions when he was displeased with the conduct of a certain woman, his own mother. Much stress has also been laid on the text :

*" Ashtavarsha bhavet gauri navavarsha tu rohini,
Dashavarsha bhavet kanya ata urdva rajasvala."*

That may be in some books, but I have read :

" Ashtavarsha bhavet kanya "

In the marriage ceremony, when the girl is handed over to the parents of the bridegroom, it is always said :

" Ashtavarshatviyam kanya putratpalita maya "

this girl of eight years has been brought up by me as a son.

Here the word " Kanya " is used. But then, Sir, the ritual and everything connected with it is so inconsistent that whatever the age of the girl may be, she is described as an eight year old " Kanya ", even though, she may be three times or five times eight. The learned Pandit gave a shock in this House when he told us what dire punishment was to be inflicted on the father of a girl who attained the age of puberty in his house. But I may tell him that in my part of the country, in the country of the Marathas, thousands and thousands of Brahmins are incurring that penalty every day now-a-days,—and I do not know what their condition in the next world will be ! The shastras are not always very consistent. There is also an injunction that the girl should be married at the age of twelve. Then Manu says that she may wait even for three years after attaining puberty ; and further on he says that not only that but the girl may remain unmarried till her death, but she should never be given over to a man who is devoid of qualities. What I want to impress upon this House is that the injunction that the girl should be married at the age of eight is not mandatory.

Mr. B. N. Misra (Orissa Division : Non-Muhammadan) : That may not be for all classes—the Sudras and others,—but only for Brahmins ?

Mr. B. V. Jadhav : What about the exemptions for the Kali age ? We are told that the Rishis of old in their long vision enjoined that these practices are not necessarily to be observed in the Kali age ; and there are so many directions here and there, so that this claim

on the part of the Smritis is not tenable at all. Now the sources of the *Dharmashastras* are said to be :

“ *Śrutiḥ Smṛtiḥ sadācārāḥ svasyaśa priyamātmanah,*”

—i.e., the Vedas, the Smritis and the practices of the good and what is approved by one's conscience. We shall see what the practices of the good have been. The Purans and Itihasas, do not enjoin that a girl must be married at the age of eight. They are silent on that point. But whatever references there are and whatever implications there are, they are in favour of grown-up-marriages and not for child marriages. In the Smritis as they are now extant some provision or injunction about child marriage is found, but then what was the *achar* ? Pandit Satyendra Nath Sen told us this morning that Rama had been married at the age of fifteen and that Sita must at that time have been of the age of eight. The Ramayana says this, but what is the occasion to give this bit of autobiography on the part of Sita ? Ravana had come to abduct her, and this age is put into her mouth at that time when she was speaking to him. I might put it to this House as to whether it was reasonable to say, whether it was the proper time for saying that she was at that time 16 years or 18 years and Rama was 25. I think that is an interpolation in the Ramayana when this child marriage custom was brought into force. There have been many such interpolations in the Smritis and there have been many such in the Ramayana and Mahabharata.

Pandit Ram Krishna Jha : Burn them all together !

Mr. B. V. Jadhav : Better read and examine them. On the whole I think that is the only reference in the Ramayana, but in the Mahabharata there is no reference showing that girls were married at ages under twelve.

Pandit Satyendra Nath Sen : Sir, may I quote the text from Mahabharata in my support ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. The House has already had a number of shastric quotations.

Mr. B. V. Jadhav : Not only in the case of Khatriyas who never married young but even the Brahmins always married grown-up girls. They never had any patience to wait !

Pandit Satyendra Nath Sen : The Mahabharata says :

“ *Trimsadvarsho dasa-varshām bhāryām vindeta nagnikām.*”

Mr. B. V. Jadhav : I can only say that that is not a genuine text. Sir, I shall say a few words about the ritual of marriage that is followed. Even those orthodox people who profess to marry their girls at the age of 8, 9 or 10 perform what is called *chaturthi karma*. What is the real import of that ? On the fourth night from *saptapadi* there is a ceremony gone through and the bride and the bridegroom are asked to sleep in one bed. The observance of this ritual clearly shows that the girl and the boy were not mere children as is stated here but they were fully grown up and were able to take the responsibilities of life on themselves.

Much has been said that the early marriage does not mean early consummation but that it is only a betrothal. I do submit, Sir, that this use of the word “betrothal” in this case is very wrong. A betrothal is one which can be broken at any time, but in the case of the Indian

[Mr. B. V. Jadhav.]

marriage whether the girl be of 8 or 10 or 3 years of age the marriage once performed is a complete marriage and the girl, if she is unfortunate to lose her husband, becomes a widow. So, it cannot be said that it is merely a betrothal and nothing else. It settles the status of the girl and she has no escape from widowhood. So, it cannot be said that it is a mere betrothal and therefore it does not do any harm. It is very harmful indeed and therefore the law is right in stopping it. Now, Sir, the old *achar* according to the ritual clearly shows that the marriage of grown-up girls was only allowed and that the story of so many marriages in the Puranas all go to show that the practice was confined to grown-up men and women. Now, the Raja Bahadur claims an exemption for the Brahmans, the Vaishyas and the Saurashtras. May I ask him what he means by Saurashtras ?

Raja Bahadur G. Krishnamachariar : That is a community in Southern India.

Mr. B. V. Jadhav : I may point out, Sir, that Kathiawar is called Surashtra and Sarashtra means the people of Kathiawar. Does he claim an exemption for all of them ? Has he got any authority on their behalf ?

Raja Bahadur G. Krishnamachariar : The same authority as Mr. Sarda had for his Bill.

Mr. B. V. Jadhav : Then, who are the Vaishyas ? Those who practice cultivation, those who attend to the cows and the cattle in general and do the business of trade are the Vaishyas. Does the Honourable the Mover of this Bill claim exemption for all these ? There may be a handful community in the province of Madras who may call themselves Vaishyas and who may claim exemption from this Act, but I do not think that that community or the Mover of this Bill has any right to make use of the word Vaishya for that particular community. As far as the Brahmans are concerned, much has been said here that they always practice child marriage. In other parts of the country, say in the country of the Mahrattas, this restriction is not at all put into force. There are Brahman girls of 20 years, 30 years and 40 years who married at that age. So, I do not think that even an exemption on the part of the Brahmans can be claimed. But may I ask the Honourable the Mover what is the condition in his own province of Madras ? The Brahmans of Malabar are the Brahmans of Brahmans. They have been following the shastric injunctions from time immemorial and they do not mix with anybody else. Among them, too, the marriage of girls is not the child marriage. They marry their girls at the age of 20 and 30 and many of the girls remain unmarried.

Raja Bahadur G. Krishnamachariar : Then they do not follow the rule.

Mr. B. V. Jadhav : I do not think the Raja Bahadur will have the courage to say that in their province.

Sir, I need not take up much time of the House but what I do wish to say is that this Bill is not at all well considered and the claim made that the community of the Brahmans, the Vaishyas and the Saurashtras should be exempted is an exorbitant claim. I therefore oppose this motion.

Several Honourable Members : The question be now put.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : There are several Honourable Members on their legs and the Chair is entirely in the hands of the House. What is the desire of the House ?

Several Honourable Members : The question may now be put.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : How long is the Honourable Member likely to take ?

Mr. B. N. Misra : About quarter of an hour. Mr. President, I would not have at all stood up were it not for the utterance of the Honourable the Home Member and the attitude of the Government. Sir, I may be wrong, but I was always under the impression that the policy of the Government was not to interfere in social affairs, particularly with regard to the marriage as it is known in India amongst the Hindus whose number is about 30 crores with so many castes and sub-castes. Whatever might have been said by Pandit Satyendra Sen and others about the shastric laws, I would say that certainly in India there are many kinds of marriages. There are eight kinds of marriages. That was in the very olden days. All that is forgotten now. Perhaps none of the Honourable Members will agree that a woman could be carried away now-a-days by force following the Rakshasa form of marriage. All people will regret that course. None of the people follow the Rakshasa or the Paisacha form of marriage now. There are many other things amongst the ancient customs which we do not adopt now. In the matter of marriage each caste and each community follows its own custom. I would ask my Honourable friends whether before 1929, that is before the passing of the Sarda Act, they could point out any legislation undertaken for prescribing the age of marriage anywhere. They can go back to three thousand years and yet they can never find any legislation prohibiting marriage below a certain age. I stand upon this fact that each society was managing its own affairs. No Government interfered in the religious practices of any community. Marriage practices never formed the subject of legislation at any time. All these Bills that you find in the agenda would not have come in against the Sarda Act, but for the fact that people believe that their religious practices have been interfered with. Some of the people who call themselves progressives have come forward with this legislation against early marriage. I do not know who these progressives are, I do not know how I can define the word 'progressive'. Is it arithmetical progression or geometrical progression or what ? You find there are so many castes and so many classes in this country, but you do not find any class classed the progressive. They might have formed a new religion and if so, you would have found a classification called the progressive in the census list. If I remember aright, Mr. Gokhale when he was introducing the Free Compulsory Primary Education Bill complained that the literate men in India comprised only 4 per cent. out of 30 crores. Now, if we make a calculation, how many out of these literate people of 4 per cent. are progressives like my Honourable friend. I say there is no definition of this word 'progressive'. If I may say so, they are the most autocratic people, who want their personal views to be imposed upon others. Where was the necessity for the Sarda Act ? Did we ever get any complaint that the system of marriage then in vogue was bad ? There was no complaint at all. Why should these social reformers thrust their views upon the public. I was pained to hear the

[Mr. B. N. Misra.]

Honourable the Home Member say that Government would support the Sarda Act. I was all along defending the Government and I never thought that the Government would be so unreasonable as to interfere in social and religious matters. The Honourable the Home Member said that he would oppose this Bill and I would submit that for the first time the Government is laying down a new principle in social and religious matters, namely one of interference.

The Honourable Mr. H. G. Haig : Government are only adopting the same attitude which they adopted in 1929.

Mr. B. N. Misra : That was a wrong attitude, namely interference in social and religious matters. If his predecessor did some wrong, he need not repeat the same mistake. I would submit that Queen Victoria in her memorable proclamation assured the people of India of strict religious neutrality and non-interference in all social and religious matters. I hope the Government should always remember that declaration of that great Queen. India was allowed to pass into the hands of the Crown only on that assurance. Otherwise many more sepoy mutinies would have been enacted. It is because the Government never interfered in religious and social matters of the people that they have been ruling these two centuries. If the Government should interfere in religious matters, then the feelings of the people will be estranged and the people will soon lose their confidence in Government. As my Honourable friend Pandit Sen pointed out these orthodox people are very loyal to the Government and they have full faith in the Government. I was also under the same impression till now, but now I find I was wrong in my impression.

Now, to come to the real fact of child marriage, what do we find ? According to the Ramayana and Mahabharata, there were eight systems of marriages, called the Rakshasa, Paisacha, Gandharva, etc., marriages. No one would support those systems of marriages now. Rakshasa form is carrying by force a woman or following the *kukkuta* and *kukkuti* form, that is a cock catching hold of a hen. In ancient times we also heard of Swayamvara form of marriages. All these are not in vogue now. According to our customs we are following the system of Prajapatya invariably, sometimes Daiba or Arsh marriages now. Supposing a woman above 15 years is taken in marriage into a family, what happens ? She will not agree with the ways and customs of the house into which she enters into family alliance. It is purely from the domestic point of view, we want to take young girls in marriage. When a girl between 7 and 12 is taken in marriage into a family, she becomes part and parcel of the new family and she gets herself accustomed to the new surrounding much sooner than she would have been had she come into family later on, say after 15 years of age. There are two stages up to which even the Indian Penal Code exempts any person even if he or she commits a crime, because it is not the age of discretion. Section 83 of Indian Penal Code says that nothing is an offence which is done by a child above 7 years and under 12 years, because he has not attained sufficient maturity of understanding to judge the nature of the offence. That is the age when they are supposed to acquire some understanding in the affairs of the world. That is also the age when we impart education and train them. The ages between 7 and 12 are the best for a girl to get herself married. Afterwards she might

form independent views and assert her own independence. That is how you can have a happy home and a happy domestic life. This age between 6 and 12 is the best age for a girl to come to a stranger's family because she can adopt their manners and customs and their views.

Sir, the great poet Bishnusarma says :

"Yannabe bhajanelagnah Sanskaronanyatha bhabet."

"An impress on a new clay pot lasts long."

After that she will have her own views and principles and she will not care for the views of her husband's father or mother. So from the common sense point of view, apart from shastric injunctions, that is the best age when you can take a wife who will be docile and will follow your manners and ways. The opponents of child marriage say that on account of this marriage there are many widows. Sir, I am shocked to hear that. Did the girl become a widow through her own fault? She became a widow because it was an accident that the man died. She may also become a widow in her 15th or 16th or 20th year, and nobody can help it. So I think this argument has no foundation and no legs to stand upon. Moreover, the law provides for widow re-marriage and my Honourable friends know that among many castes there is widow re-marriage. Only among the Brahmins there is some restriction. So this argument about child marriage increasing the number of widows is absolutely unfounded.

Another advantage of early marriage is that there are many poor families in this country and if a girl is married at an early age the husband's family can take care of the girl. Among these poor people girls after a certain age cannot go out lest there should be cases of abduction and kidnapping. But no man will ever cast an evil eye on a girl of 7 or 9 or try to kidnap or abduct her. So this is one advantage that once you give your daughter in marriage you are relieved of all burden. And it is a relief for the poor people who form the majority of this country's population. Sir, in our society and also in Muslim society there are many things which assume religious importance and you have noticed that they also resent the Sarda Act and against any interference by the Assembly or by Government in their social matters. On that ground, Sir, I support this motion and I condemn the attitude of Government in opposing this motion.

Several Honourable Members : The question may now be put.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I accept the closure. The question is :

"That the question may now be put."

The motion was adopted.

[At this stage Mr. President (The Honourable Sir Ibrahim Rahimtoola) vacated the Chair which was taken by Sir Hari Singh Gour.]

Raja Bahadur G. Krishnamachariar : Sir, the Bill which I had the misfortune to introduce has met with opposition from Government and from quarters where I did not expect any opposition. Before this Bill was introduced I tried to find out whether Government having made a mistake in 1929,—and I say so deliberately for reasons I shall presently state,—having made a mistake in 1929 would repeat it in 1932 or allow us to have a fight among ourselves ; that is to say, whether, if the Hindu community

[Raja Bahadur G. Krishnamachariar.]

is agreed to change it, they would stand aside from it. Sir, I was somewhat disappointed but I shall come to that a little later. My Bill which is a very simple one proposes or desires that certain communities should be excluded from the operation of what is now known as the Sarda Act.

My friend, Mr. Jadhav, said that I have stood up before this House and asked for special privileges. I admit it is special privileges—but not the special privileges in the sense that he put forward—but a special privilege in this sense that I should not be compelled to do what he himself would not desire that he should be compelled to do against his conviction. For generations, for thousands of years as I shall show presently, we have been following a certain custom. Who are you here, having assured us after a tremendous upheaval in the country, that you will never interfere with my religion and my law, that you should now allow your legislature, upon the ground that it has been enlarged, to interfere with that belief? I ask, who are you to compel me to follow a certain method, simply because upon insufficient material, upon baseless allegations and upon absolutely unwarrantable premises, you say that a certain custom is pernicious, when I can show that the custom is not pernicious and that the reason for what you allege to be the deplorable condition of the country is not the custom of so-called child marriage but something quite different? The position is this. What I want is not that I should be specially treated—for instance in the olden days the Brahmin claimed that he should not be subject to the death penalty—it is not a privilege like that that I am asking for now; it is only the privilege of doing my acts in my own way without being interfered with by you—a privilege which has been accorded to me, a privilege which has been solemnly assured to me, a privilege which sovereign after sovereign when they assumed power assured to me; and now the whole thing is cast to the winds. Now they say “Oh, it is a social thing; it is a matter of social improvement; you do not know your own interests”. It is the same thing in politics when I ask them for an advance. They say “You do not understand your interests; so we will do everything for you”. If my friends here and on the other side of the House will agree to an argument from the Government when they oppose all our requests for advance on that ground, then I can understand their now standing up against me and for the Government. As I said on a previous occasion, for five thousand years the Brahmin community has survived in full physical and mental vigour in spite of this pernicious custom and God willing it will survive another five thousand years in spite of this pernicious system if you will allow that system to go on. The position with which I started was. It is not a privilege that I claim in the sense that the Brahmins claimed privileges in the olden days. What I want now is the privilege which every honest decent man, every man under a civilised government wants, and that is to pursue his course of life according to his convictions so long as that conviction does not interfere with the even tenor of life of his neighbour. Starting from that position which is the first argument that I beg to address this Honourable House—the most important matter relevant to be discussed is that marriage among the Hindus, specially in the communities that I have asked to be excluded, is a sacrament. The late Sir James FitzJames Stephen, one of the most eminent lawyers that ever adorned the Law Member's seat, said that among the Hindus marriage and religion are two words for the same thing. That is what he said in 1872.

From that time up-to-date consistently, until a somewhat startling proposition was enunciated by the Honourable Home Member—and I shall show presently why it is startling—they have been invariably accepting the position that marriage and religion are the same thing. So that if you interfere with the laws relating to marriage, you interfere with the laws laid down by religion. That is the position I want to make perfectly clear ; and it is on that position that I am proceeding, namely, that where you interfere with the marriage laws of the Hindus, you are really interfering with their religious laws, and that interference you have specifically disavowed your intention to do. I do not take it from the date of the Queen's proclamation ; the proclamation is only an incident on the way ; but far away 150 years ago, when the East India Company was still tottering for power, when the East India Company had not found a foothold in this country, even then they said that they would not interfere with the religion of the Hindus and their social life and it is from that date that I am taking my stand, that you have given me this privilege of observing my religious practices in the way in which I have been doing, provided always—and I have absolutely no objection to reckon with that position—that that observance is not against any laws of humanity.

Now, what is our law relating to marriage ? My friend Pandit Sen and to a certain extent myself have said a great deal about the shastras applying to them. The Honourable the President has stated that we have had enough of these shastras. I suppose we have had enough of it, but I am very sorry for. If I had my own way, if it was not for the President's observation, I should have said that we have not had enough of these shastras for this simple reason ; that everybody who has spoken unfortunately—I say it without any disrespect to them—has not read the shastras ; he does not know the shastras ; a fourth rate translation of a man who did not understand what the Sanskrit language was was relied upon, and upon that they go on discussing principles. However, I am not going to bore this House with any further recitation of the shastras. The sum and substance of all the statements made relating to the shastras is that according to the Hindu law as laid down therein and that have been quoted here, marriage among the Hindu and especially the twice-born must be performed within a certain age. Now there is no doubt that that is the result of the shastras. My friend, Mr. Jadhav, said "What is your shastra ? I can quote a hundred shastras each one against the other ?". That is where the difficulty comes in ; that is where my complaint also comes ; that is where the misfortune comes that this House is called upon to decide on a matter which is abstruse, which takes the learning of a life time to properly understand and apply. The shastras do differ ; the shastras do appear to lay down different rules regarding the same matter ; but is not here a way of reconciling them ? There is. In every code of law, so far as I know—I do not profess to be a very big or very great or very eminent lawyer—but from the extent to which I have studied law, I believe that in every system they have got a certain set of rules or maxims which they apply for the interpretation of the law. Now, very early in the life of the Hindus they found out that different rules had come into existence ; and yet, believing as these people did that all these rules were based upon revelation, they thought it was absolutely impossible there could be any difference in actual working. What did they do ? They set about framing what we call the Mimamsa rules of interpretation. My friend, Mr. Jadhav, ridi-

[Raja Bahadur G. Krishnamachariar.]

uled the Mimamsa the other day. He pointed out that these old people first said that there could be no contradiction between these rules and to justify their position they started a certain set of aphorisms in order to reconcile them.

Now, Sir, it is not after all so wicked these rules nor are these Mimamsa-kars dishonest. The fact is the Mimamsa rules of interpretation are absolutely essential in the same way as we have the interpretation clauses in our own statutes and in every known civilized system of law of the world. Why, Sir, have you got your General Clauses Act? You sit down and frame an interpretation clause, and as if that clause was not sufficient, you have got what is called a General Clauses Act. Why do you want it? Therefore, Sir, these Mimamsa rules of interpretation are absolutely essential for a proper interpretation of the shastras. Law is a highly technical science, and you want certain technical terms to express your ideas properly. So that, Sir, if you go to the Mimamsa rules of interpretation, you will find that in order to discover that in spite of these apparent divergences, a really consistent set of rules exist and how they should be applied. For that, you require a good deal of learning and patience. There are very few people who could master this science, and yet basing their knowledge not upon original sources but upon these fourth rate translations, they say "Oh, we have got so many different kinds of laws laid down and therefore the best thing is to wipe them out of existence". Sir, a man may be suffering from a certain disease, and some doctors may not be able to cure him, they may not be able to diagnose the case, there is absolutely no attempt made to go to a doctor who really understands the disease and who can cure the man, but instead you straightaway get rid of the man and the disease will disappear automatically. There are very good dentists in this country, and you go to them for getting your teeth trouble cured, but the first thing that some of them would suggest is to pull out your teeth. That is not the way in which you can reform the laws. First try to understand them.

[At this stage Mr. President (The Honourable Sir Ibrahim Rahimtoola) resumed the Chair.]

One of our eminent Law Members discussing in the early days of reforms the proposal to codify the Hindu law said that the Hindu law is so much interwoven in its parts that it is absolutely impossible for you to take it piecemeal and to legislate, but that you must understand the whole thing, and in order to understand it, you must place yourself in the place of those persons who framed those laws and understand the spirit in which they were framed and then try to codify the laws and bring them into accord with what you call to suit modern conditions. These reformers with certain new fangled ideas, with certain new fangled theories which have not been put to the test even in western countries come here and say "Oh, all these customs are wrong; all the shastras are meaningless because they were brought into existence to suit conditions which existed three thousand years ago, and so wipe out the whole thing, and take to the western system, engraft it in your own system, and then everybody will be happy, you will be fit for self-government tomorrow, you can have all your swaraj and everybody will be merry". That is not the way. I submit that the laws relating to Hindu marriages are laws relating to religion, and I have been given the assurance that there shall be

no interference with religion, and the large number of quotations that have been cited have made out a *prima facie* case that all these laws are based on religion. Therefore, my first objection to the old Act which I want amended is that as it is against religion it ought to be so amended that it shall not interfere with any religious commandments. That is the reason why I was expatiating at some length upon the religious aspect of the question. Now, what are the religious tenets of the Hindus that have been put ? The religious tenets are that you must not perform a girl's marriage post-puberty. In this particular instance, there are laws of other religions which say the contrary and with which I am not concerned for the moment,—the Act that has been enacted says that marriage should not be performed before the girl attains her 14th year. That I say is against the religious tenets and must be changed. (*Several Honourable Members* : “ Now finish.”) I am not going to do anything of the sort. I may be defeated by those Honourable gentlemen who ask me to finish, they may all vote against me. It may be, my misfortune, Sir, to serve my community, and I say it without fear of contradiction, to serve the Government by my failure, but I am going to make every attempt that I possibly can to induce even the Government, and even those gentlemen who now ask me to finish, to change their opinion and come to the conclusion that I am right. So far, therefore, my first and most important objection is concerned, I say it, I have been saying it, and I am sorry I have got to repeat it in consequence of these interruptions, that questions based on principles of religion should not be lightly interfered with. As my friend Mr. Jha pointed out, India is a vast country, and there are different customs and observances followed by different people in different parts of the country. Those people in whose community post-puberty marriages have been the rule are not affected by this measure. My friend Mr. Raghubir Singh coming from Muttra, a most religious place, the birth place of Lord Sri Krishna, even now it is a most holy place of pilgrimage, surprised me when he said that his constituency supports post-puberty marriages. I shall come to that later.

Mr. S. G. Jog (Berar Representative) : How old was Subhadra when she was married ?

Raja Bahadur G. Krishnamachariar : I am not going to yield to you however much you may cry hoarse. What I want to point out is that a complaint was made that my Bill attempts to exempt the Brahmins. My friend who said so did not evidently understand the effect of it. If my friend considers, if his community considers, if his constituency considers that post-puberty marriage.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, 4 P.M. order. Adjournment motion. Mr. Ranga Iyer.

MOTION FOR ADJOURNMENT.

LETTER OF MAHATMA GANDHI TO THE PRIME MINISTER INVOLVING MAHATMA GANDHI'S DECISION TO DIE.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : (Applause.) My Honourable friend who has just concluded his speech referred to something in the nature of militating against the religious principles. He referred to a religious place and to a religious personality whom we Hindus look upon as an incarnation of our

[Mr. C. S. Ranga Iyer.]

God. He referred to Lord Krishna, and what did Lord Krishna say ? He said :

“ Whenever virtue subsides and vice prevails, I come down to help mankind.”

Sir, we look upon Mahatma Gandhi as an incarnation of our faith. In obedience to the mandates of Bhagwan Krishna, he has come down to help mankind and, to-day, very rightly, very nobly, in obedience to the mandate of our Rishis, in obedience to the faith of our Gods, the Mahatma has taken upon himself the duty to revolt against a decision to split up our faith, to split up our race, to condemn our religion. Sir, what is it but a statutory condemnation of our religion, a statutory partition of our community, to separate the bone of our bone and flesh of our flesh from us, condemned as depressed classes ? Our sages and our Rishis time and again rose in revolt against this condemnation. Sir, the curse of our religion, our religious observances, more correctly the latter-day accretions thereof has been the book-learned priest-craft which Swami Vivekananda denounced in these words :

“ The vulture soars highly in the sky, but its eye is directed upon a piece of rotten carrion on the face of the earth.”

Therefore, the Mahatma has taken upon himself the duty of resisting with his life a decision which breaks up our religion, our Gods, our communities. Who dies if Mahatma lives ? And who lives if Mahatma dies ? (Hear, hear.) Mahatmaji has decided to die for the depressed classes, so that the depressed classes may live, and the Prime Minister of a foreign nation, alien in faith, alien in outlook, alien in understanding, has, with his limited wisdom and his limited vision, justified this segregation of a segregated community under a statute. He has said that he gives them protection of a limited kind, and then throws them as it were into the deluge of a general constituency. In a general constituency, how can the depressed classes be protected, without fixing their seats, whereas this poisonous segregation has been introduced for twenty years so that our religion, our Gods, and our community might be broken to pieces for the benefit of British Imperialism. Sir, if His Majesty's Prime Minister is honest, as honest I presume him to be, he will have to live up to his honest profession, namely, that opportunities must be given to this divided community to come together. And what did Mahatmaji want ? He wrote from the prison to Sir Samuel Hoare to give him the opportunity, “ to mobilise public opinion to unite my community ”. That demand was also rejected, in a spirit, may be worthy of an imperialism which takes its stand upon force, but unworthy of the Mother of Parliaments which believes in democracy and democratic institutions. (Cheers from Nationalist and Independent Benches.)

Sir, this decision has done violence to our religion. It has done violence to our faith. It contemplates doing violence to our community. Where civil disobedience divides, where politics separate, take it from me religion unites, and communal considerations cannot be ignored, when one community is going to be divided and wrecked for the benefit of British Imperialism. I look upon this statutory segregation as the introduction of the thin end of the wedge. What else is it but to tell the depressed classes, “ stand out of your community for 20 years to some extent now, and when separation works, you can stand out of your community

altogether" ? This is considered by the Hindus as a conspiracy to break up the joint family of the Hindu community. This conspiracy will be resisted by the Hindus so long as they have faith in their Gods and faith in their religion. We stood away from the civil disobedience movement. We did not respond to Mahatma Gandhi's appeals to us. We would not listen to the siren song of the Congress. We faced the picketers during the last elections, but when His Majesty's Government, in what the Hindus feel to be the insolence of their power, intoxicated with the red wine of imperialism, make up their mind to break up a community, then the community will unite and resist in a manner which British rule in India has not seen in the past. I say this with all the responsibility attaching to my position on these benches. I say this having before me my own political record in the past. I was once associated with Mahatmaji's movement. I worked with the Desh-bandhu C. R. Das. I also worked with Pandit Motilal Nehru, but I broke away from him when I differed from him. But to-day Mr. Ramsay Macdonald is alienating, British Raj is alienating, the men who believe in British connection. If Mahatmaji dies, take it from me British connection will die with him (Cheers from the Nationalist and Independent Benches), and we the constitutionalists, if we go and tell our people, don't cut the painter, they will say, you may paint the British Raj so loud as you like, but the painter has got to be cut. The British Government will be creating such an estrangement as can never be bridged in the future. It is wholly unnecessary to argue with Mr. Ramsay Macdonald if he has made up his mind. If he has not made up his mind, it is for Mr. Ramsay Macdonald to make a declaration and to give the promised opportunity to the Hindu community to come together and produce an agreed scheme, for, Mahatma Gandhi says clearly, definitely and emphatically, in unambiguous language, "I should not be against over-representation of the depressed classes". He is prepared, as subsequent passages in his letter show, to give substantial seats to the depressed classes in a general constituency. Such being the case, it is for Mr. Ramsay Macdonald to honour his pledge in time. I put it to my Honourable friend, the Leader of the House, to-day, and leader of myself and many other young ardent spirits whom he dragged into politics in his younger years with his spirited energy and heroic actions—I put it to him to-day whether he contemplates to rush, as it has been mentioned in the press,—to hurry to the Round Table Conference, to stage a tragedy with the Prince of Denmark left out, because, the Round Table Conference without the Mahatma would be playing Hamlet without Hamlet. It may be that a benevolent Government might provide my Honourable friend, much against his own wish perhaps, opportunities for the display of his great talents for the carrying on of the King's Government. But I would ask him in all sincerity and earnestness to rise to the occasion to which great men like him in his own Presidency have risen in the past and devote all his energy, all his resources, all his ability, to save Mahatmaji from dying, to go to Bombay and to cancel his programme of proceeding to Britain. It may be, I hope not, men like Sir Tej Bahadur Sapru who have been singing songs of praise on recent decisions may be dreaming pleasant dreams of going to the European countries, once again trying to resume the attitude of Kilkenny cats in a foreign land but, Sir, the time has come when our best men must make up their minds to bury at least the hatchet between the depressed classes and ourselves. (Here, hear.) I

[Mr. C. S. Ranga Iyer.]

will tell one thing to Mr. Ramsay Macdonald who has assumed the role of the protector of the depressed classes by giving them this utterly useless, this utterly insignificant separate representation for a limited few. I would ask him in all earnestness whether he represents the depressed classes at all, whereas Mahatma Gandhi's life has been a living sermon on the elevation of the depressed classes. All through these trying times that test men's souls, the great Mahatma has been a living Messiah to the depressed classes. It is a great thing that he is going to die for the depressed classes but it would be a tragedy which Britain must prevent if British connection must continue, because the Mahatma is the head of the right wing of the National Congress. I ask, does Mr. Ramsay Macdonald represent the depressed classes better than my friend over there, Rao Bahadur M. C. Rajah, though on this big occasion I would like to leave out his little title of Rao Bahadur, who has been twice nominated to this House. Who is not aware of the fact that he represents the depressed classes better than propped up associations, bogus institutions and men with no following who have been widely advertised in the columns of anti-Indian organs like the *London Daily Mail*? Who does not know that Mr. M. C. Rajah, the leader of the depressed classes and Dr. Moonje, the President of the Hindu Maha Sabha, had come to an agreement for adequate representation and protection for the depressed classes in a general Hindu constituency? Why did Mr. Ramsay Macdonald, may I ask, trample under foot the Moonje-Rajah pact? Sir, it is not too late in the day for Great Britain to wake up and save Mahatma for India and the Empire. If that were not done, the present generation and unborn generations, animated by antipathy against a foreign raj, will decry Britain for having assumed the role of Pontius Pilate. (Applause.)

Rao Bahadur M. C. Rajah (Nominated Non-Official) : Sir, never in the annals of the history of India has the issue of the depressed classes assumed the importance it has to-day. For this, we of the depressed classes must for ever be grateful to Mahatma Gandhi. He has told the world in words which cannot be mistaken that our regeneration is the fundamental aim of his life. If world conscience cannot be roused even now to the realization of the position of the depressed classes, then we can only conclude that all instincts of humanity are dead in the world to-day.

Let me remind the House that ours is an All-India problem and not confined to some provinces as it is in the case of Muslims and Sikhs. I have heard it repeated often that the Muslim claim and the Sikh claim to special consideration is because they are martial races. So have we been in the ancient history of India. If they claim that they have been rulers in this country, so have we been in ancient times. But, Sir, what we claim is that we have, in addition, been the most law-abiding and loyal citizens. Even when social laws degraded us to a position of untouchability, we never took the law into our hands and depended upon the moral conscience of our countrymen being roused to a realization of the grave injustice and inhumanity practised against us.

The question before the House is the situation created by Mahatma Gandhi opposing the grant of communal electorates to the "depressed"

classes. I am sure, there is no Member in this Honourable House who will not regret that circumstances should have forced such a great personality to take a vow to play on his life. But, Sir, the correspondence shows that Government had enough warning. If they did not attach full importance to our considered views expressed in our conferences and in the pact I had the honour to sign with the President of the Hindu Maha Sabha, they should have taken at least the grave warning given by Mahatma Gandhi and desisted from the course of creating separate electorates for us.

Sir, the situation as it confronts us to-day is as follows. The British Government have given their communal decision. They declare that it shall hold the field for 20 years in respect of the depressed classes unless there is unanimous request made before the constitution is framed or ten years after the constitution has worked. I wonder what is meant by unanimous request. Has in the political history of India or any country such literal unanimity ever been attained on any issue? Are the British Government sure that the Britishers are unanimous in giving India a further measure of responsibility? Are even the National Government sure that the conservatives as a whole back their Indian policy? This condition of unanimity is thus a dodge to keep us perpetually divided. I claim that my community is already in favour of common electorates and I will prove my contention by a few quotations.

You all know that the British Government sent two delegates to represent the depressed classes at the Round Table Conference—Dr. Ambedkar and Rao Bahadur Srinivasan. Dr. Ambedkar presented the case of the depressed classes in Bombay before the Simon Commission and he presented the statement of his Sabha where he said :

“ System of election.—Free election in general constituencies is, in the opinion of the Sabha, out of the question so far as the depressed classes are concerned. On the other hand, the Sabha does not wish to ask for communal electorates. In its opinion, it would be sufficient if the depressed classes are provided with reserved seats in the general constituencies.”

This was what Dr. Ambedkar said before the Simon Commission.

Again, in his minute of dissent to the Report of the Bombay Provincial Simon Committee, he demanded joint electorates with reservation of seats.

As regards Rao Bahadur Srinivasan, when he appeared before the Simon Commission in Madras, to a question put by a member of the Commission whether he wanted separate electorates for the depressed classes, he said “ Not at present ” and his reasons were :

“ Our people are not yet advanced to have separate electorates. Unless you give adult franchise the depressed classes should have no separate electorates.”

This was in 1929. When he went to the first Round Table Conference, the Depressed Classes Federation of Madras, of which he is the President, passed a resolution supporting joint electorates and giving him that mandate for being placed before the Round Table Conference.

In this connection let me remind the House that even Dr. Ambedkar demanded joint electorate with reservation of seats at the first Round Table Conference.

When the Indian Central Committee's Report was published giving the depressed classes joint electorates, with reservation of seats, for

[Rao Bahadur M. C. Rajah.]

all provinces except Madras, there was no hue and cry, and when the Simon Commission's report embodying joint electorates with reservation of seats was published, there was no protest raised against it. My friend, Dr. Ambedkar, while speaking on the recommendations of this Commission, welcomed this system as an advancement in the interests of the community and raised objections to the system of panels from which the Governor was to select candidates for the depressed classes. Indeed Dr. Ambedkar, speaking at the Kamptee Conference, in 1930, declared :

“ No share of political power can come to you so long as the British Government remains where it is. It is only in a Swaraj constitution that you stand any chance of getting the political power in your hands.”

He said in the same speech :

“ Swaraj is going to be a system of Government in which you, the Depressed Classes, stand the chance, other things being equal, of being amongst those who will be installed as political sovereigns of this country.”

I do not know what brought about a revolution in the state of mind of Dr. Ambedkar and Mr. Srinivasan at the second Round Table Conference, when they sacrificed the system whereby they would have obtained the right to be political sovereigns and secured, instead of expression of minimum voice for a people who deserved the maximum electoral power, to direct the Government from within.

Now, Sir, it will be clear to the House that joint electorates were acceptable to my community from the time they understood that there was to be transfer of power to Indian hands. The position we took was that, under a scheme of government in which Indians will rule, our safety lay not in finding channels for voicing our opinions but in taking our due share in the governance of the country. Indeed this is my chief attack on the Premier's letter to Mahatma Gandhi. He tells us that he has given the separate electorates for 20 years to enable us to get a minimum number of seats, so that we may place our views before the Government and the Legislature of the day. I contend that this privilege we have already enjoyed under the Montford reforms, which have enabled us to get representation in numerous local bodies and in the Legislatures, both Provincial and Central. We are sufficiently organized for that purpose, and do not need either special pleading and special succour in future. What we do need, as a real remedy for our uplift, is a definite power to elect our representatives from the general constituencies and hold them responsible to us for their actions. I do not know why the Prime Minister calls the scheme of joint electorates with reservation of seats as impracticable. It is already in force in local bodies in Madras and some other provinces and has worked very satisfactorily.

I contend, Sir, that the scheme enunciated in the communal decision involves our segregation and makes us politically untouchable. I am surprised at the argument of the Prime Minister that there is no segregation, because we can vote for caste Hindus who will have to solicit our votes. But, Sir, how can we bring about common ideas of citizenship when the depressed class representatives are not to solicit votes of the higher castes. (Hear, hear.) There is, Sir, another tragic side to the controversy. When we claim special protection from Government for

some share in official services, such as is already given by the Government of India to other minorities and backward classes, we are told that we are classed as Hindus to have no special claims, and when we declare that in the matter of legislative representation we would like to join the general body of Hindus, we are told that we are a separate community. (Laughter.)

Sir, the sufferings which my community has undergone at the hands of the caste Hindus have been acknowledged by the caste Hindus themselves, and I am prepared to admit that there are a large number of reformers among them who are doing everything possible to improve our status and position. I am convinced that there is a change of heart and a change in the angle of vision of the caste Hindus. We, the depressed classes, feel ourselves as true Hindus as any caste Hindus can be, and we feel that the moral conscience of the Hindus has been roused to an extent that our salvation lies in bringing about a change from within the main body of Hindu society and not by segregating ourselves from them. (Loud Applause.) The course adopted by Government would certainly arrest the progress of this most laudable movement and process.

I must say, Sir, that the Prime Minister's letter in its entire conception and expression has disappointed me most. He argues, for instance, that reservation of seats under joint electorates would not get a genuine representation for us. Does the Prime Minister know that the Simon Commission, consisting of seven chosen Britishers, held, after a most thorough investigation on the spot, that such a system would produce genuine representation for us? Even the fear expressed by the Prime Minister is resolved by Mahatma Gandhi who has said that he is ready to enrol every adult member of the depressed class as a voter and impose a stricter test on the caste Hindus. May I ask, why the Premier is not prepared to consider this solution?

Now let me summarise the position. The Premier's Award is separate electorates, solely to secure a minimum number of spokesmen for the depressed classes. Mahatma Gandhi's decision is for over-representation of the depressed classes in joint electorates. My pact with Dr. Moonje of the Hindu Maha Sabha gives my community reservation of seats on the population basis through joint electorates.

In conclusion, let me add that I have known and studied the question of the depressed classes in all its bearings all over India during the quarter of a century of my public life. I was privileged to review it fully during our tour with the Simon Commission. I would, therefore, ask the Government to take this assurance from me that our best interests require that we should not be dissected from the Hindu community, but that we should have our due representation in the legislatures on the basis of reservation. The crisis that faces us to-day is very grave. There hangs in the balance the life of the greatest Indian of our time, and there hangs in the balance the future of millions of the down-trodden people of this country. Are Government going to take the responsibility for killing the one, and reducing the other to perpetual servitude? Let them make their choice well and wisely. (Loud and prolonged Cheers.)

Sardar Sant Singh (West Punjab : Sikh) : Sir, of all the various forms of Government I have always liked the democratic form of Government for the simple reason that the constitution of a democratic Government minimises the chances and the dangers of bloody revolutions. It is a strange democratic constitution that is coming for India which threatens to bring blood in its train. The Sikhs have got the bitterest memories of the Award ; I know that from one end of the Punjab to the other, the Sikh agitation is growing both in intensity and volume. The Sikhs took solemn vows before the holiest of holy books that they will never submit to a constitution which confers a guaranteed communal majority to one community in the Punjab. But the Sikh agitation is reduced into insignificance in comparison to Mahatma Gandhi's resolve. The saintliest man living at this time on the face of the earth is going to risk his life in order to get one aspect of this burning question put right. (Loud Applause.) Sir, the occasion is too solemn for mere talk or rhetoric. Sir, the angel of non-violence, the one person, who once succeeded in turning away the terrorists from their bloody methods and brought them in line with his policy of non-violence, is going to starve himself to death on account of the fiat of an alien Premier, on account of the lack of knowledge of Indian conditions by an alien Premier.

My respectful submission is, Sir, that if the British Government does wish doing any good, as they say they wish to do good to India, then they must take stock of the forces that they have given rise to on account of their attitude in the matter. If they do not take stock of the forces, I am afraid that the estrangement between the Indians and the Britishers will assume such acute dimensions that in future it will be difficult to reconcile them both. I may here mention, Sir, a historical fact relating to the Punjab. Every Punjabee knows, that one Haqiqat Rai was crucified by the over-zeal of a Qazi's verdict. He was asked to embrace Islam. He refused and was hanged. Since then, the Muham-madans and the Hindus in the Punjab have never been able to reconcile themselves. Now, another saintliest man is going to be sacrificed by an act of an alien race and alien nation. If that saintliest man is allowed to starve himself to death on account of the threatened partition of the Hindu community, I am afraid that the gulf will become too wide for being bridged later on. Therefore, with all humility, I will request the Treasury Benches to convey to His Majesty's Government that if His Majesty's Government honestly want to confer upon India the boon of self-government to which she is, as a matter of right, entitled, they should not shut their eyes to the forces that are acting against this communal decision, but rather to shape their policy by winning the confidence of the people of India.

The Honourable Mr. H. G. Haig (Home Member) : Sir, we have listened to the speech by the Mover of this motion which was delivered under stress of considerable emotion. I make no complaint of that. The circumstances are surprising. We are faced with an extraordinary announcement and it is natural that the first reaction should be emotional. But, Sir, I would ask the House to look at the position as calmly and dispassionately as it can. I would endeavour to put certain plain considerations before it. In the first place, Mr. Gandhi's threatened action will be taken for the purpose of enforcing on Government or on public

opinion a particular solution on a matter of public policy. Well, Sir, I venture to submit, in the first place, that no Government could possibly let its action be influenced by methods of this kind. If this principle were once accepted, there would be an end of Government as we understand it or as you contemplate it. (Applause.) The method which Mr. Gandhi has announced his intention of following could be applied to all the major issues of policy and we should find ourselves, if we accept that method, living under a dictatorship of quite a novel kind in the history of the world. I would invite the House to reflect on that point.

I come now, Sir, to the question of the Communal Award. It is within the recollection of the House that the Communal Award was given by His Majesty's Government with great reluctance under great pressure and when it had become apparent that the communities themselves could reach no agreement, and the question of the depressed classes was one in which no agreement had been reached between the caste Hindus and the depressed classes. Mr. Gandhi himself was present at the second Round Table Conference and the question of the depressed classes was one of the most acute controversies that was discussed at that session. The Honourable the Mover has claimed that Mr. Gandhi represents the depressed classes. I can only say, Sir,—I do not wish to put my opinion against his—that the representative of the depressed classes at the Round Table Conference very strongly and definitely repudiated that claim.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadian) : He was a nominee of the Government.

The Honourable Mr. H. G. Haig : I may mention, Sir, that all the representatives at the Round Table Conference, including Mr. Gandhi, were the nominees of the Government. (Applause.) Well, Sir, in these circumstances, the communal decision was given by His Majesty's Government, and as reference has been made to it just now, I think it would be desirable that I should just read the relevant words :

"If, before the new Government of India Act is passed into law, they (that is, His Majesty's Government) are satisfied that the communities who are concerned are mutually agreed upon a practicable alternative scheme in respect of any one or more of the Governor's provinces or in respect of the whole of British India, they will be prepared to recommend to Parliament that that alternative should be substituted for the provisions now outlined."

As I have already explained, it is impossible for His Majesty's Government to vary their decision in consequence of methods of this kind. But an alternative is still open. Therefore, as I see it, Mr. Gandhi's action is really directed to bringing pressure to bear not on His Majesty's Government but on the representatives of the depressed classes and bringing pressure to bear on them to take the same view of their interests as he takes. Mr. Gandhi is fully entitled to his own opinions and to express them and urge their acceptance. But, as I see the situation, he is endeavouring to do more than this. He is endeavouring not to persuade the depressed classes but to coerce them by moral pressure into taking a particular view of their interests.

Mr. S. C. Mitra (Chittagoug and Rajshahi Divisions : Non-Muhammadian Rural) : Persuading them from jail ?

The Honourable Mr. H. G. Haig : That view may be perfectly correct. We have heard Mr. Rajah speaking this afternoon. He says that he does

[Mr. H. G. Haig.]

not approve of the solution of His Majesty's Government. That is a matter for Mr. Rajah to settle with Mr. Gandhi. My point is that certain methods are being applied in order to bring pressure to bear on the depressed classes and I would merely ask the House to reflect whether those are reasonable methods of political controversy.

Well, Sir, I now come to the point which I think arises out of what Mr. Mitra was saying just now, namely, his reference to the fact that Mr. Gandhi is in jail. It must be clearly understood by the House that Mr. Gandhi is not intending to fast in order to get the right, as my Honourable friend suggested, of expressing his views. That is not his position. Nor in order to secure his release from jail. He has said quite plainly that that could make no difference to his course of action. He is proposing to fast solely in order to secure a change of policy. I should like just once more to emphasise that, that it is not in order that he may have an opportunity of stating his views. That can be provided without resort to such drastic methods. It is in order to force his views on the country as a whole.

Mr. Gandhi sees in His Majesty's Government's proposals the permanent segregation of the depressed classes and the Honourable the Member really made the same point. I find it difficult to understand how the proposals of His Majesty's Government can be regarded as a permanent segregation of the depressed classes from the Hindu community. I am not surprised, Sir, that the Prime Minister, when he saw Mr. Gandhi's letter, felt that Mr. Gandhi must be acting under a misapprehension as to the nature of His Majesty's Government's decision. For, what is their position? The first point is, and I would invite the special attention of the House to this, the first point is that every depressed class voter will vote in a joint electorate, in a general constituency with all the other Hindus. How is that segregation? Every single depressed class voter will vote in a joint electorate. The provisions for separate electorates are in addition to that. It is provided that for a limited period, in addition to the ordinary vote with every Hindu, certain members of the depressed classes will have a special vote in a special constituency. Owing to the fact of their treatment in the past and the condition to which they have been reduced, they should for a limited period have a certain additional advantage given to them. And that advantage is that they should be enabled to select spokesmen of their own choice to voice their own grievances and ideals. In the new constitution, Sir, every one will have to look after his own interests. There will be no Government, as there is at present, endeavouring to hold the scales even.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Question.

The Honourable Mr. H. G. Haig : The depressed classes, owing to their position, do require and, I think, it was admitted by everybody that they do require, a certain special measure of protection. That is all that the decision of His Majesty's Government intends to give them. I think, Sir, I have covered the main points which have been raised in the course of the debate so far and I would ask the House to consider carefully and dispassionately the considerations that I have put before them and to realise that His Majesty's Government have, faced with an unpleasant necessity, given a decision which appeared to them to be reasonable, that they cannot allow that decision to be affected by Mr. Gandhi's

action, but that they have always expressed their willingness to allow the communities concerned to come together and to devise another solution, if they prefer it. (Cheers.)

Sir Cowasji Jehangir (Bombay City : Non-Muhammiadan Urban) : Mr. President, when speaking on the Communal Award only a few days ago, I had occasion to warn Government that their decision with regard to the depressed classes was not a constitutional issue in the opinion of the Hindus, but that it was a religious issue affecting national sentiment. Little did I then dream that within a very few days, due to the action of Mr. Gandhi, the crisis would be upon us. Now, Sir, if there is anybody who is to be congratulated on the decision, the grave decision taken by Mr. Gandhi, it is the Government,—His Majesty's Government and the Government of India. I firmly believe that Mr. Gandhi's action has relieved them of considerable responsibility. It might strike Honourable Members as strange that the action of a man who threatens to commit suicide should relieve His Majesty's Government of a responsibility. But I desire to put a point of view before you to prove that assertion. And, in order to do so, I might, with your permission, Mr. President, take you back to what happened at the second Round Table Conference. The Honourable the Home Member who, I believe, was in England at the time has related a few facts. I would like to place before you just a few simple facts for your consideration.

Mr. Rajah has given us the past history of the opinions held by the two representatives of the depressed classes who were sent to England. It is perfectly true, and I reminded the House of that fact a few days ago, that Dr. Ambedkar did not claim a separate electorate at the first Round Table Conference. He asked for reservation of seats and the only issue that arose with regard to the depressed classes at the first Conference was the number of seats that should be allotted to them. Dr. Ambedkar opened his mouth rather wide. He was not satisfied at the first Conference with reservation of seats corresponding to the population of the depressed classes in each province, but he wanted weightage. The matter rested there. At the second Round Table Conference the matter became one of much greater importance and the depressed classes were driven into becoming one of the big minorities in India. I alluded to that fact when I spoke on the communal issue, but since the crisis has now come, I, with some hesitation, desire to place the inner history of this case before the House.

The issue was not what numbers should be reserved for the depressed classes. Mr. Gandhi, most unfortunately, refused to agree to a reservation of seats for the depressed classes at the second Round Table Conference. It was a most regrettable decision on his part and I may tell this Honourable House that many of the Indian delegates appealed unsuccessfully to Mr. Gandhi to change his attitude. The result was that Dr. Ambedkar claimed separate electorates and he got so taken up with that idea that he began sincerely to hold the view that separate electorates were in the best interests of his community. But I am equally convinced that if reserved seats had not been definitely refused to him, he would never have demanded separate electorates. I can tell you, Sir, that efforts were made till within the last two or three days of the conclusion of the Conference to persuade both the representatives of the depressed classes and of the great Hindu com-

[Sir Cowasji Jehangir.]

munity to come to terms on a basis of reserved seats. But these efforts failed because Mr. Gandhi up till the very end strongly held the view that it was not in the interests of the depressed classes to have any reservation of seats, and certainly not separate electorates. I believe that Mr. Gandhi was perfectly sincere in his contentions. He really and honestly believed that there should be no reservation of seats for the depressed classes, and that even the reservation of seats would be dividing his great Hindu community. But we have seen the result and the one hopeful aspect that now comes to the surface from the correspondence that has been published is that it appears that Mr. Gandhi has changed his views and is prepared to concede reserved seats to the depressed classes. And if that is so, I consider that a great obstacle in the way of Mr. Rajah's school of thought and Dr. Ambedkar's school of thought coming together has now been overcome. I do not see any definite statement in the correspondence which goes to show that Mr. Gandhi has definitely come to that conclusion ; but I do assert that the trend of that correspondence shows that Mr. Gandhi now believes that the only way to satisfy the depressed classes is reservation of seats. If that is so, I think my contention is proved that Mr. Gandhi's action has relieved His Majesty's Government of a great responsibility.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : Which part of his letter are you referring to ?

Sir Cowasji Jehangir : Throughout his letter he does not say that he is against reservation of seats but he protests against separate electorates and I think reading between the lines you can safely contend that Mr. Gandhi will now agree to reservation of seats. I may be wrong but if I am wrong, God help the depressed classes and the Government of India as well.

“ Now, Sir, that being the past history of the case, I see in the action of Mr. Gandhi considerable force and, as the Honourable the Home Member said, his action does not appear to me to be directed against His Majesty's Government but is a suggestion of a great sacrifice in order to bring the Hindu community together again. I have no doubt that if put to the test Mr. Gandhi will carry out his threat, but I see no necessity of putting a great man to that tremendous test. I do not see why the depressed classes cannot come to terms immediately, and I cannot see why Mr. Gandhi should not be the medium between the school of thought represented by Mr. Rajah and the school of thought represented by Dr. Ambedkar. It is a domestic quarrel and it should be settled by themselves. We have the assurance of His Majesty's Government that if this difference of opinion can be overcome by mutual understanding between all Hindus, His Majesty's Government will be prepared to accept any alternative to the decision they have given.

Now, Sir, how is this to be brought about ? I hear it mentioned on all sides, and my friend Mr. Mitra has been constantly interrupting, that Mr. Gandhi is in prison. I wish on this occasion, since Mr. Gandhi has taken this momentous decision, that he were out of prison. I wish he were here today opposite to us to argue with us and to give us his point of view. It is Mr. Gandhi's duty now to bring both sections of the depressed classes

together by agreeing to give them reserved seats and to bring peace within the Hindu community. If he can be capable of making the sacrifice that he has threatened, he is capable of giving up a cherished principle enunciated only a few months ago, the principle of no reservation of seats. And I firmly believe that a man, who can for his religion and his community threaten and mean to carry out that threat, a threat to commit suicide, is capable of bringing peace within his community.

I do not know what action Government propose to take, but I do think that since Mr. Gandhi has brought about this state of affairs so far as the depressed classes are concerned, Mr. Gandhi should be given an opportunity to mend the present situation. And let us all hope that Government will give him that opportunity and that he will succeed. And success will not only mean peace on this one particular issue but may even lead to a consummation, which we all pray for, that all India may be united when those who go to England to fight her cause are faced with the position that they are likely to be. Let us pray and hope that Mr. Gandhi's action will not only bring peace amongst the Hindus but will see all parties combined when in a very short time they will have to face real and live issues. If Mr. Gandhi can give up a cherished ideal in the cause of peace perhaps Mr. Gandhi can be persuaded to give up passive resistance. It may be his creed but let us hope that the spirit of the great sacrifice he proposes to make will lead to peace within India, friendship between India and England, and above all, to an India of the future, with a Government strong and capable, allowing India to reach the goal which she is destined to reach,—a great, prosperous and powerful country.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I do not think that the House

5 P. M.

would be justified to go into the details of the British Government's decision on the communal problem on this occasion. The House has already discussed, on a motion of adjournment, the merits and demerits of the decision given by His Majesty's Government and really I think we ought to be out of order if we go into the details of the same in discussing this motion of adjournment before the House.

The very fact that a great personality like Mr. Gandhi has made a resolve to end his life by starvation is quite sufficient to perturb a very large section of the community in this country ; and even those who do not agree with Mr. Gandhi in his political views, perhaps, do not like that the precious life of such a great man as Mr. Gandhi should end in an unnatural manner, at this stage of the political situation in our country. But really I do not understand how the Government can help in this matter, how, by any action, taken by the Government the situation can be eased. There are two courses open and only two courses open to the Government. The first course is that they modify their decision without consulting the community concerned. If they adopt this method, I am sure that they will lose the confidence of all the minor communities in India. I think, as my friend, Sir Cowasji Jehangir, has pointed out, this is a domestic trouble between two sections of the Hindu community, and really it is a matter of satisfaction to me that poor Mussalmans are out of this controversy. It is the duty of all the patriots of the two sections of the Hindu community to save the life of this great man of India. I admit that that section of the Hindu community which is known by the name of depressed classes have in the

[Sir Muhammad Yakub.]

past incurred great sacrifices in order to remain in the fold of Hinduism, and I hope that the patriotism which the depressed classes have shown so far will be shown by the high class Hindus at this critical moment, that they will proceed with open arms to the depressed classes and will say "You are our brethren; henceforth untouchability is gone; and every person belonging to the depressed classes has full opportunity to enter into our temples and to worship before our idols". Every Hindu sweeper should be allowed to enter into the temples as a Muslim sweeper is allowed into the mosques or as a Christian sweeper is allowed into a church. This is the proper course, and I hope that if the great Hindu community will approach that suffering section of their community in this spirit I am sure that the depressed classes will meet them more than half way and will be quite willing to meet the wishes of Mr. Gandhi and his precious life will be saved. But, as I have just said, I do not know what Government can do in this matter. It will be the greatest folly on their part to modify or reopen the decision without consulting the communities. If once you open the door of revision, next day my friend, the patriotic Sikh, Sardar Sant Singh, will give notice to the House that he will start starvation and put an end to his life till the question of representation of Sikhs and Mussalmans in the Punjab is decided. The second day, my friend, the great patriot from Bengal, Sir Abdulla Suhrawardy, will start starvation saying that in Bengal great injustice has been done to his community and their natural majority has been reduced to a minority; and in the same way all communities which have got certain grievances will do the same. I do not know how many of them will end their precious lives by starvation and probably any action taken by the Government will not help them.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : I will start it if the Sarda Act is not repealed.

Sir Muhammad Yakub : The Sarda Act was discussed this morning and probably nobody ever tried to end his life; otherwise my friend, the Raja Bahadur, would not have been in the House today. I submit the other course for the Government is that they should set Mr. Gandhi at liberty. But then that course will not ease the situation, because Mr. Gandhi in his letter says that he will not leave his starvation even by being liberated until the decision is set aside or modified. So I do not really know what action on the part of Government will ease the situation and how the Government can help in this matter; and, that being the position, I really do not see and cannot see how we can vote for this motion for adjournment.

Mr. F. E. James (Madras : European) : Mr. President, there is a Latin proverb which says that when you are speaking of other people's household gods, you should speak with restraint. I, therefore, do not intend to follow Mr. Ranga Iyer, but propose to speak with the greatest possible restraint, because I know that Mr. Gandhi is the household god of many Members of this House. It is a curious thing that in the recent history of India this little man has had a most disconcerting way of intervening with his amazing and complex personality, and this is another occasion on which he has intervened in the normal development of affairs in a way which causes embarrassment in many directions.

I have very carefully read the correspondence which has taken place between Mr. Gandhi and the Prime Minister and which has been circulated to us this morning, and there are two things that occur to me first of all. The first is, that while we may bow to the opinions of those who hold that Mr. Gandhi is a saint, we are obliged to admit that he is a very clever letter writer. For, throughout this correspondence, it becomes abundantly clear that, while we may not for one moment doubt his sincerity, he has chosen a moment and a method by which he can place the greatest odium on His Majesty's Government in England and the greatest embarrassment on the Government in this country. I do not think that any impartial person reading this correspondence without sentiment could come to any other conclusion. It may be said, therefore, that that is the first impression that is created on the minds of some of us.

The second impression that is created definitely on my mind is that, on the facts of the case, there is absolutely no justification whatever for any threat of direct action of this kind. Making all allowance for the very deep feeling which has been aroused in the Hindu community over this question, making all allowance for the devotion which Mr. Gandhi has given to the cause of the depressed classes in recent years, making all allowance for the disappointment which he may feel at the particular method selected in the Communal Award which has been given by His Majesty's Government,—making all these allowances,—I still submit, Mr. President, that on the facts of the case there is no justification whatsoever for the method which he has chosen. It may be argued that you cannot apply the ordinary standards of conduct in political life to a man of Mr. Gandhi's personality. My reply to that is this. After all, we are living in a practical world. We are practical men. We are dealing with practical things, and we are all, every one of us, doing our best to find a practical solution. That cannot be achieved in these unpractical ways. Therefore, my first suggestion....

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : Practical suggestion.

Mr. F. E. James : Therefore, my first practical suggestion is, and it is a very practical one, that the Government of India should not yield to this threat of direct action...

Mr. B. Das : That was the advice of the European Association long ago.

Mr. F. E. James : Now, Sir, the second point is this. The question of the depressed classes is not a new question. As Mr. Rajah has already said, it was considered with great care by the Simon Commission, and those who have read that Report and the evidence given before it, will remember that a very large number of associations of depressed classes all over the country gave evidence before that Commission. For the last five years this question has been before every one interested in public life, day in and day out. It formed one of the most important subjects of the meetings of the Round Table Conference. I may be permitted to observe that if Mr. Gandhi really believed that by this method he could bring about a settlement of this important question, he should have used this method in London, after he had failed to solve the question at the Round Table Conference. I may also be permitted to observe that if

[Mr. F. E. James.]

Mr. Gandhi believed that this was the only method to settle this question, he might have indicated that he proposed to use this method in this country during the recent months in order to drive the communities together into a common solution. Instead of that, he has waited until now ; he has waited until His Majesty's Government were obliged, in order to proceed with constitutional reforms, to take upon their shoulders the difficult task of settling the communal question themselves. The Honourable Mr. Haig has pointed out to the House that His Majesty's Government did not wish to undertake this task. It was only undertaken with one idea, namely, to prevent any further delay in proceeding with constitutional reforms in this country, and not until His Majesty's Government had taken this step and had announced this Award, and had attempted a solution of this most difficult question (which obviously could not be satisfactory to every one in this country).....

An Honourable Member : He wrote his first letter on the 13th of March.

Mr. F. E. James : It was not until that time that Mr. Gandhi, though he threatened it earlier in the year, decided to take this method.

My second point, therefore, is that I believe it is impossible at this stage for His Majesty's Government, in spite of Mr. Gandhi's attitude, to go back upon their Award. The Honourable Mr. Haig has already read extracts from paragraph 4 of the Award in which it is indicated that His Majesty's Government will be only too glad to make any alterations before the new Government of India Bill is finally drafted and placed before Parliament in regard to this matter, provided a solution is found by the agreement of the communities in this country. While, therefore, my impression of the correspondence is that Mr. Gandhi has all along intended to throw the blame upon His Majesty's Government, the real blame is in this country, and the real solution can be found in this country and in this country alone.

My friend, Mr. Ranga Iyer, spoke of the responsibility of his position. I make a definite appeal to him. He is in a very responsible position. Will he not from to-day use that position towards a settlement of this very question ? That is a far more practical solution than hurling curses upon an alien Government.

Mr. B. Das : He did not hurl curses.

Mr. F. E. James : At any rate, his language reminded me of the language of the numerous books of which he is the author.

An Honourable Member : It is not a Benthall circular.

Mr. F. E. James : There is only one other thing that I wish to mention, and it is this. I have had some opportunity of judging the difficulty of this question of the representation of the depressed classes. It will be remembered by this House that nearly everybody concerned has within the last five years changed his mind on this question. Dr. Ambedkar has changed his mind ; Mr. Rajah has changed his mind ; Mr. Gandhi has changed his mind ; and if these three great men have so changed their minds on a matter of such vital importance...

An Honourable Member : Have you not changed your mind ?

Mr. F. E. James.....what can their lesser followers be expected to do ? I was privileged, Sir, in Madras, where we have the largest single population of depressed classes in the country, to serve upon the Provincial Franchise Committee, and I do not think I am betraying any secret when I say that we had the greatest difficulty in finding out exactly which way the depressed class leaders intended us to help them. I represent interests in the South which employ a large number of depressed class labourers. They, on their part, from their own experience, were unanimous in saying that only through separate electorates for the time being could the depressed class labourers hope to send to the Legislatures the men whom they really trust. That is one side of the picture. The other side of the picture is this. We had Hindu friends on our Committee who felt sincerely and definitely that any system of separate electorates would really mean that the Hindu community would be driven in two, and those of us who were anxious to secure a practical solution of this question were faced with this dilemma. That dilemma certainly in my mind still exists, and I wonder whether, after all, the Communal Award, with its time-limit, is not the best solution of the difficulty for the time being unless the Hindu community can come to an undersanding with the depressed classes on the question of separate or joint electorates.

Sir, as far as we are concerned in this group, I think I may say that it is a matter of some indifference as to whether separate electorates or joint electorates are utilised for this purpose as long as the depressed classes feel satisfied that they are able, whatever system is chosen, to put into the Legislatures men, not only who can represent their point of view but who can be trusted. This is a practical difficulty ; it is a practical question. I beg of this House not to allow sentiment and feeling to dominate this discussion. What is wanted today is not sentiment, but statesmanship ; what is wanted today is not coercion, but co-operation. May I not appeal to my friend, Mr. Rajah, may I not appeal to the other Members of this House, to be statesmanlike in politics and try and settle this matter in a practical way ? The only way by which you can save the life of Mr. Gandhi, if he is determined to fast, is to settle this question on a practical basis, and there are men in this House who can do it if they will only apply their will and their purpose to that single task to the exclusion of everything else.

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House) : Mr. President, one reason why I have sought to supplement the remarks made by my Honourable colleague, the Home Member, is that I enjoy or shall enjoy very shortly an advantage which is denied to him. In about three weeks from now, I shall be a non-official and it is most unlikely that I shall accept office, at least under the present constitution. Therefore, what I say, will, I trust, be taken by this House as coming from one who has a non-official outlook and has moreover played some part in the matter of the solution of this particular question. I am going to make my remarks not by way of reproach or recrimination, but by way of appeal. My Honourable friend, Mr. Rajah, will bear me out when I say that during the Governorship of Lord Willingdon in Madras, for the first time the depressed classes got representation to the extent of a dozen seats or more in the new Legislative Council of that province, and Mr. Rajah need not be reminded that he and I have worked together for the solution of this problem and for the amelioration of the depressed classes in practical ways in some of

[Sir C. P. Ramaswami Aiyar.]

the districts of the Madras Presidency. That is one of my claims to speak on this matter. Mr. President, I have the advantage of being acquainted with Mr. Gandhi and I have great admiration for his sincerity and for his character and services to the country and especially to the depressed classes. If I declare that the particular method which he has adopted is one which I deprecate, I do so with some diffidence though with great conviction, because I do not wish too facilely to pit my judgment against the judgment of a man who has been acclaimed as a great leader. But I must be allowed to say this, namely, that the method of direct action which he has been adopting and which he is threatening to adopt is one which, as has already been pointed out, may lead to most embarrassing and undesirable developments. All of us no doubt feel that a life is being sacrificed for a cause which is held sacred and holy by the man who sacrifices that life. But, surely, Mr. President, this mode of solving political questions by non-political and *supra-mundane* methods is one which is fraught with the greatest possible danger to the constitutional progress of this country. I do not wish to labour the obvious. I do not wish to say that this example may be followed by A. or B, or by community C or community D but in different and more dangerous ways, but I do wish to say this, that opportunities,—and I wish to weigh my words—opportunities will no doubt arise for Mr. Gandhi to put forward his point of view and to try and effect the change of opinion which he hopes for. It must, however, be remembered that the change of opinion must be such as will fall within the terms of the Premier's announcement. Let me expand what I have said. The only way in which this problem can be debated and solved is by mutual discussion and by mutual agreement. Mr. Rajah in a speech to which I listened with pleasure and profit has pointed out the developments and ramifications of this problem. He was anxious to elaborate his view that there have been changes of opinion on the part of those who represented his community at the Round Table Conference, but Mr. Rajah will not be the last to admit that there are differences of opinion in his community. The first task, therefore, is for the members of that community, and for the leading representatives and the protagonists of the two points of view in that community to come together and to arrive at a *modus vivendi*. (Cheers.) Having done that, that community will meet the leaders of the Hindu community. They will foregather and they will try to reach conclusions, and I may assure the House that the great conciliatory forces that are still operating in this country and are still dynamic and potent will help Mr. Rajah and the leaders of the two communities. The influence, the undoubtedly great influence that the Mahatma wields will, I trust, be used for the purpose of bringing those two branches or sub-divisions of that community together and the Hindus and depressed classes together so that a solution, really lasting and beneficial, may be arrived at. Not otherwise can this matter be solved and certainly not by resort to force albeit it is spiritual and intangible force. This is an age-long problem. Mr. Rajah knows that there are portions of the country in which the most elementary rights of humanity are denied to his community, and naturally on account of the feelings of exacerbation and resentment produced by such treatment, some people in his community are apt to say that they shall have nothing to do with the majority community. This feeling will have to be met by forces of kindness, forces of gentle suasion, and of compromise, and not by *ipse dixit* on the part of any one

and the British Premier cannot bring about what the communities have to achieve. A solution can only be arrived at when the depressed classes, including those that are now suspicious and resentful, feel that their fates are safe in the hands of the so-called higher classes. It is a matter of great gratification to me personally that today we have had a pronouncement from Mr. Rajah that he is content to leave the political fate of his group in the hands of the majority Hindu community. (Cheers.) I take pride in that fact as a member of the Brahman community and I rejoice at it. But Mr. Rajah will realise that his influence is not universal, though he is a powerful advocate. I appeal to him to utilise that advocacy for the purpose of bringing together the two branches of his community in a spirit of union. I appeal to Mr. Rajah and the Hindu leaders to come together, to bury the hatchet and to inaugurate a new era of mutual toleration and mutual education and in that great effort let me hope that Mr. Gandhi's influence will be potent and will be used in that manner, and not in the direction of direct action which in its implications and repercussions will inevitably be fatal to all orderly constitutional development. (Loud Applause.)

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : I did not intend to intervene in this debate, because my Honourable friend to the left had already exhausted the subject so far as the motion for adjournment was concerned. But Honourable Members on both sides seem to have taken many things for granted, which on second thoughts I think they will find perhaps premature in their judgment, because as I read the correspondence between Mahatma Gandhi and the Prime Minister and the Secretary of State I find one pregnant sentence to which I would like Honourable Members to devote a few of their moments. That sentence occurs in the letter of Mahatma Gandhi, dated the 11th March. Let me give to Honourable Members his *ipsissima verba*. He says :

“ In pursuance of that statement (*which he made at the Round Table Conference*) I had hoped on my return to India to mobilise public opinion against separate electorates, at any rate for the depressed classes, but that was not to be.”

That is his first complaint, that after his return from the Round Table Conference he had taken a vow that he would utilise his great influence, on his return to this country, to mobilise public opinion against the communal electorates and that he was denied that opportunity. Can the Honourable the occupants of the Treasury Benches deny that fact that they were responsible for denying him that opportunity. They would admit that that was a little rift in the lute which brought about the Communal Award and the subsequent sequel with which Mahatma Gandhi and ourselves at the present moment are concerned with. Having given the Communal Award, what Mahatma Gandhi says is that he is against the separate electorates given to one section of the community. I agree with my friend, Sir Cowasji Jehangir, that nothing in this correspondence makes me think that he implied at any time that he is against the reservation of seats to be given to the depressed classes. Sir, speaking for myself, if Mahatma Gandhi was free, I would have argued with him that so far as the depressed classes are concerned, let him come one of these days and today was a day I would have invited him to occupy a seat in the Distinguished Visitors' Gallery and watch the debate that took place in the forenoon. After that, would he have written the words he has that the

[Sir Hari Singh Gour.]

amelioration of the condition of the depressed classes has been taken up by the reformers with great success and that the caste Hindus are giving the depressed classes a helping hand with a view to ameliorate their condition. Did not Honourable Members see the spectacle of shastras, two thousand years old, quoted for the purpose of establishing that the Gods had created the four castes and that the depressed classes were made out-castes by the shastric law. (*Several Honourable Members* : "That is not true.") I recall to Honourable Members the statements they have made against all reforms, against all improvements in the condition of the submerged tenth. Mahatma Gandhi has stated that the reformers have been trying to improve the condition of the unfortunate submerged tenth of the Hindu community and my Honourable friend, the Leader of the House, has said 'Don't you see that we have given you 10 seats in the Madras Legislative Council'. Sir, if you had given 80 seats instead of 8 in the Madras Legislative Council and also in the Legislative Assembly, that would not improve the position.

The Honourable Sir C. P. Ramaswami Aiyar : They had no seats at all till now.

Sir Hari Singh Gour : I realise that they had no seats at all. What I am driving at is that there has been no mass momentum in the direction of improving the lot of the depressed classes and have the caste Hindus, during the last 150 years, or, indeed, during the last ten years, done anything at all to uplift this unfortunate class? Whenever attempts have been made on the floor of this House for improving their condition, we have been treated to long drawn sermons against improvements upon the authority of the sacred laws. Therefore, if I had to decide this point upon its merits, I would say, let the depressed classes have spokesman of their own choice and let my friend, Mr. Rajah, be satisfied with the representation of the depressed classes on the basis of joint electorates. I am glad that women and the depressed classes in the future legislature will have a voice in settling the question which vitally affects their future.

So much, Sir, for the question of the depressed classes, but the question, with which we are at the present moment concerned, is Mahatma Gandhi's complaint, which is that this Award was given at a time when he had not the opportunity of mobilising public opinion in favour of joint electorates and the Honourable the Home Member has pointed out that the Communal Award given by the Prime Minister still leaves the door open to a communal settlement. My friend, Sir Cowasji Jehangir, has pointed out that an opportunity should be now given so that the two sections of the Hindu community that have been divided by the Award may still patch up their differences and prepare a scheme for joint electorates acceptable to both sections and which would supersede the Award given by the Prime Minister. That would necessitate the fulfilment of the hope that Mahatma Gandhi had, in the month of March, that he would be free to mobilise public opinion, and it is on that point that I should like the Honourable the Leader of the House or, for the matter of that, the Honourable the Home Member, to throw some light. It would have greatly relieved us if we were assured that in spite of the Award being given, in spite of the complaint made by Mahatma Gandhi that he was not given the opportunity

of mobilising public opinion, an opportunity would now be forthcoming to do what he regrets he could not do in the month of March.

The Honourable Sir C. P. Ramaswami Aiyar : That is what I said.

Sir Hari Singh Gour : I am glad to know the implications of my Honourable friend's reference to that fact and to that extent this House feels gratified. There remains one more question of a more or less academic character. I have not been able to understand the unbounded levity with which my friend, Sir Muhammad Yakub, delivered his speech with reference to Mahatma Gandhi. He said that if Sardar Sant Singh or my friend, Sir Abdulla Suhrawardy, were to give notice that they were going to die unless their cherished hopes were fulfilled, there would be the end of all Government. I entirely agree with him and I deprecate as sincerely as he does the course of direct action, but there are occasions and there have been occasions in the history of mankind when men were willing to die as martyrs, because they believed in their cause. Have you not read the history of martyrs ? Have you not read the history of long suffering and death to which people have subjected themselves, because they feel that their cherished ideal has not been fulfilled ? I do not for a moment justify the action that Mahatma Gandhi wishes to take on this occasion. I deplore the fact that Mahatma Gandhi should have resorted to this action upon, what I consider to be, a minor issue. But what I do wish to point out to Honourable Members on both sides of the House, considering the past of Mahatma Gandhi, considering the great services he has rendered to this country, considering the fact that he is the apostle of the civil disobedience movement, considering the fact that he has stood between law and order and lawlessness and terrorism, is that this Government must understand that, when he speaks, he speaks as a messenger of peace and as one who is anxious to bring about a pacific settlement of the great questions that loom large before the country, and it is in that spirit that we should give him the advice, if he needs any advice from this House, that, whatever may be the feeling of Mahatma Gandhi, we on this side of the House would earnestly appeal to him to resist the impulse towards self-destruction and to apply his great powers and his great genius towards the pacification of this country. (Loud Applause.)

Sir Abdur Rahim (Calcutta and Suburbs : Non-Muhammadian Urban) : Mr. President, there cannot be the slightest doubt, whatever be the merits of the question as regards the representation of depressed classes, that the correspondence shows that a difficult and a very perplexing political situation has arisen. Sir, I agree with the Honourable the Home Member that the Government cannot allow its course of action to be diverted by the threat of any single individual, however great he may be. At the same time, I am sure, the Government fully realizes the significance of the fact that Mahatma Gandhi is held in unique reverence by his community ; in fact he is worshipped by large classes as a saint and an Avatar. (Hear, hear.) At the same time, he is looked up to as a great political leader by very large sections of the political communities of India as a whole. (Hear, hear.) That being so, the direct action which he has threatened, unless it can be met properly, is likely to give rise to considerable political complexities. Sir, as regards the question of the representation of the depressed classes, there cannot be any

[Sir Abdur Rahim.]

two opinions in the matter. They ought to be guaranteed proper representation in the future constitution of this country (Hear, hear), and it also must be acknowledged that the British Government have done a great deal in this matter to raise the status of the depressed classes. (Loud Applause.) Sir, we have heard from my friend, Sir Cowasji Jehangir, who was present at the second Round Table Conference, what happened there with reference to this matter, and we have also heard the history of the question of the representation of the depressed classes from Mr. Rajah. It is not quite an easy matter ; in fact, the whole of the communal question, the question not only of the depressed classes, but the question of the representation of other minority communities including my own, gave rise to problems which the communities themselves were unable to solve. Sir, when the Communal Award was issued, I felt that it was a great reflection on the political leaders of India belonging to all communities that they should have been so utterly unable to come to an agreement amongst themselves ! They had ample opportunities of coming to a settlement. But even Mr. Gandhi and the other leaders who were at the Round Table Conference were unable to arrive at any settlement whatsoever. Under those circumstances I find it impossible to lay any sort of blame at the door of the British Prime Minister (Hear, hear), or the British Government for the Award that they have given. (Hear, hear.) Sir, in the very nature of things, the very fact that we were unable to come to an agreement and to find any solution, and when we found that no particular solution was acceptable to all, it was certainly not possible that the solution proposed by the British Government would be acceptable to all. It is idle, therefore, to blame the British Prime Minister or the British Government for the Award that they have given on this particular question. It is entirely our own fault, and the less we indulge in abusing the Government in this matter, the better I think for our own self-respect. (Hear, hear.) I have read the correspondence very carefully, as I believe every Member of this House has done, and I must say that I find it very difficult to suggest that there could have been any other remedy or solution more acceptable to the communities concerned. Mr. Gandhi himself does not suggest any solution. It is difficult to find out whether he would even reserve any seats in the general electorate for the depressed classes. He treats it entirely, almost purely, as a matter of religion. Well, there I am unable to follow him at all. Of course I do not profess or claim to be familiar with the ins and outs of the Hindu religion as Mr. Gandhi can claim to be. But we here must all take it as a constitutional and a political question. Taking it, then, in that light, I must say that I do not, speaking for myself, see anything wrong so far as the representation of the depressed classes is concerned. At the same time, I am in entire agreement with Mr. Gandhi that, if the caste Hindus and the depressed classes can settle their domestic differences so as to preserve the unity of the Hindu community, then that would be the best solution possible. (Loud Applause.) I believe—I know as a matter of fact—that Mr. Gandhi has the sincerest concern for the welfare of the depressed classes. (Hear, hear.) He has worked for them ; he has suffered for them. We all know this and I think under the circumstances Government would be perfectly justified, if they so thought fit, to give Mr. Gandhi ample opportunity to negotiate with the depressed classes and the caste Hindus and to bring about a settlement of this difficult question. I know he is in prison, but the Government might well consider

whether it is not possible, under the circumstances, in order to save further difficulties and complications, to find out means of giving Mr. Gandhi full opportunities to try and endeavour to solve this question. I do not think Mr. Gandhi is entitled to anything more than that ; but if my suggestion leads to this that Mr. Gandhi should be released, I think it is a matter which the Government ought to take into very serious consideration. Sir, if it were an ordinary man who was holding out some idle threats to Government, Government could easily and without the slightest difficulty brush aside and ignore them altogether. But in a matter of this sort, when Mr. Gandhi's opinion coincides with the bulk of the caste Hindu opinion, I do think that it would be politic and wise on the part of the Government to make some concession, so that a very difficult situation might be saved.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : Sir, it has given me great pleasure that the debate has taken a very good turn. I congratulate our Deputy Leader, Sir Cowasji Jehangir, that he gave that turn to the debate and suggested some definite proposals for the consideration of the House. I am glad that all that has been said has been said in the spirit in which a solution is to be sought out of this complex situation. No doubt, it is an extremely lamentable decision of Mahatma Gandhi to fast for this issue, but now that he has taken this vow, it is on us to see how to avert the disastrous consequences of this act of his. It is very difficult to approach him in jail on a matter like this. But there are only a few leaders who are interested in this question of the depressed classes and the caste Hindus. In fact the only two leaders of the depressed classes who are interested in this question are Mr. Rajah and Mr. Ambedkar. On the other side, we have got Pandit Madan Mohan Malaviya who can influence the caste Hindus on this question. It is not very difficult to collect together these four or five people who can see Mahatma Gandhi in jail and bring about a settlement of this question between the two sections of the community. My humble suggestion, therefore, is that this course might be tried and we may find out how far we succeed in this matter. It is a fact that Mahatma Gandhi was sent to jail soon after he landed in India and had been left alone to brood over that vow which he took in London that he should resist with all his life the grant of separate electorates to the depressed classes. It is the result of brooding over that question that has brought about this desire. If these few leaders who are interested in the question approach him in jail, the solution might be found out and the catastrophe might be averted. I, therefore, Sir, make bold to suggest this course of action. One more suggestion I would like to make. Every word that has been uttered in this House on this question should be sent to Mahatma Gandhi so that he might know the full view of this House. I hope he will ponder over this matter and revise his decision when he knows that most of his countrymen feel in a different way.

Mr. S. C. Mitra : Mr. President, my Leader and the Deputy Leader have said what they had to say, yet I take advantage of this late hour to speak, because I think that the true voice of the country has not been heard and its feelings reflected by the previous speakers in this House. It was only the Mover of the adjournment, the Honourable Mr. Ranga Iyer, who really tried to represent the true views of the people at large. It has been lightly said by men like Sir Muhammad Yakub why a different

[Mr. S. C. Mitra.]

case should be made in the case of Mahatma Gandhi and he compared him with Sir Abdulla Suhrawardy and Sardar Sant Singh. The very fact that these gentlemen could not take such a vow to go on hunger strike over their principles shows what difference there is between Mahatma Gandhi and these gentlemen. I wonder that even after so many years, Sir Muhammad Yakub thinks that Mahatma Gandhi is to be compared with ordinary Members of this House. I do not care very much for what Mr. James has said. I know the Mahatma gave some trouble to the Christian Missionaries. One must seriously consider the point that has been raised by the Honourable the Home Member. He raised a really great issue. If anybody, however great, drives himself to some direct action to force a Government to take certain measures, what the remedy should be. But I wish the Honourable Member to consider what the status of the British Government in India is. Are they here by the consent of the people and do they govern India by the majority vote that obtains in all democratic countries? Have you really realised what is the strength and sanction behind this Government? It is merely brute force and nothing else. So, I want the Government to take it very seriously when a man like Mahatma Gandhi, who is *the* representative man of India, takes a vow that, if necessary, he will end his life to resist Government following a particular line of action, it should not be treated lightly. If Mahatma Gandhi dies, you may take it that it would mean the death of the non-violence movement, the great moral principle of passive resistance that he has been preaching before the world for all these years. People like Mr. James seem to be very anxious for the depressed classes, but those who know the history of Mahatma Gandhi's life know that he has been working for the depressed classes for more than 25 years of his life. Mr. Rajah had the goodness to admit that. Now, let us see what was his proposal? I have read the report of the Round Table Conference. Mahatma Gandhi said that as soon as he lands in India he will go from one end of the country to the other and will preach amongst the depressed classes and try to bring them to his views. My learned Deputy Leader, Sir Cowasji Jehangir, says that Government have been much relieved of their responsibility. If Government accept that view, they will be very much mistaken. I say, it is not an ordinary man they are dealing with. The responsibility of the Government is very great. Why did they not give a chance to Mahatma Gandhi to preach his views? He came to India with the full intention, as is reported in the proceedings of the Round Table Conference, to preach his views. He could see for himself what the difficulties were. And we on this side of the House, at least the Nationalists, do believe that Mahatma Gandhi could settle not only this question about the depressed classes but even the bigger question relating to the Hindus and the Muhammadans. I would like to be assured by the Government that they are not following the old policy of divide and rule. It is a very old and popular belief in India that they have divided the Hindus and the Muhammadans. And in the provinces where there are very few Muhammadans, the new policy of dividing the depressed classes from caste Hindus has been raised with a purpose. The honesty of the Government has been put to test. As regards the solution of the communal differences, it has been said

more than once that the Government were forced to give the Award. But I ask them, if they were honest, why did they not accept the compromise that was arrived at by all the parties when there was only the difference of one more or less vote to the Sikhs. Why did the Government throw out that agreement when there was a difference of only one vote? I know that solution was on the line of joint electorates and that was not suited to the policy of divide and rule. The *bona fides* of the Government was put to test there; but they are anxious to carry on the principle of divide and rule. So, unless we find by their action that they are ready to release Mahatma Gandhi to give him a chance to negotiate with different parties, we will be bound to come to the conclusion that with a purpose this principle of divide and rule is being carried on in India. Mahatma Gandhi with such a large gathering of followers numbering millions behind him would have been a credit to all the world anywhere else. He would have been a man who could really settle the terms of universal peace and goodwill for the whole mankind. But unfortunately he is born in India and he is not getting his chance.

(It being Six of the Clock.)

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. The House will now adjourn till 11 o'clock tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 14th September, 1932.

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LEGISLATIVE ASSEMBLY.

Wednesday, 14th September, 1932.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

MEMBER SWORN.

Sardar Nihal Singh, M.L.A. (Fyzabad Division : Non-Muhammadan Rural).

QUESTIONS AND ANSWERS.

HAYMAN-MOHINDRA PUNCHING MACHINES.

232. ***Khan Bahadur Haji Wajihuddin** : (a) Will Government be pleased to state why, when Messrs. Moody and Ward in paragraph 71, on page 41 of their Report said "Punch is too expensive an instrument to entrust in the hands of the low paid staff", is it still entrusted to the T. T. Es. drawing pay between Rs. 55 and Rs. 95 per month ?

(b) Will Government be pleased to state if it is not a fact that most of the T. T. Es. entrusted with the punches are temporary hands and in case of loss how are Government going to recover the cost of the punch ? Have there been instances where Crewmen absconded with Government property, as acknowledged by Government in reply to question No. 1110 (f) asked in the Legislative Assembly on the 18th March, 1929 ?

Mr. P. R. Rau : (a) The punches are available and are being made use of as a measure of economy.

(b) Such risks cannot always be avoided. Moreover, the Travelling Ticket Examiners, entrusted with the punches, are now permanent employees and very few punches have been lost in the past by the Travelling Ticket Examiners. The answer to the last part of the question is in the affirmative.

Mr. Lalchand Navalrai : May I know if the Agent, North Western Railway, was consulted as to whether these punches could be used throughout his Railway ?

Mr. P. R. Rau : I believe all Railways were addressed in the matter.

Mr. R. S. Sarma : Is it a fact that the cost of these punches is only Rs. 66 and not Rs. 97 as has been made out in the interpellations, in this House ?

Mr. P. R. Rau : I think the cost of a punch is Rs. 67-8-0 ; it was originally Rs. 75. But the cost of the punches given by me yesterday referred to the cost of the punches together with three refills and date lock.

Dr. Ziauddin Ahmad : May I know whether the Agent of the East Indian Railway was consulted and, if so, what reply did he give ?

Mr. P. R. Rau : It is the Agent of the East Indian Railway who purchased these punches.

Mr. Gaya Prasad Singh : May I know, if Mr. Hayman has got any pecuniary interest in these punches ?

Mr. P. R. Rau : I have answered that questions already. He is a joint patentee.

Dr. Ziauddin Ahmad : Will the Honourable Member please lay on the table the reply of the Agent of the East Indian Railway when he was consulted about these punches ?

Mr. P. R. Rau : I do not quite understand what reply my Honourable friend wishes me to place on the table.

Dr. Ziauddin Ahmad : When the Railway Board adopted this system of punches, I understand they consulted the Agent of the East Indian Railway. What reply did he give ?

Mr. P. R. Rau : It is not a question of the Railway Board consulting the Agent of the East Indian Railway. It was the Agent who, of his own accord, introduced these punches.

Mr. Lalchand Navalrai : Am I to understand that the Agents were not consulted before these punches were put into practice on the Railways ?

Mr. P. R. Rau : Nothing of the sort ; as a matter of fact, it was the Agent of the East Indian Railway who came to the decision to buy these punches.

Mr. Lalchand Navalrai : It might be for purchasing. Thereafter were the other Agents consulted before these punches were introduced ?

Mr. P. R. Rau : I do not know how more clearly I can explain the position to this House. It was not the Railway Board which introduced these punches. It was the Agent of the East Indian Railway, acting on the advice of his own Departments, who purchased them.

Mr. Gaya Prasad Singh : It is a shady transaction ; how can you make it clear ?

Dr. Ziauddin Ahmad : May I ask whether the permission was given before the patent was registered, or after ?

Mr. P. R. Rau : I understand the punches were purchased by the Administration in June, 1928, and that the patent is dated March, 1927.

HAYMAN-MOHINDRA PUNCHING MACHINES.

233. ***Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state if it is a fact that the Hayman-Mohindra Punch has now been modified for purely checking purposes, although originally it was intended for collection of tickets ?

(b) What has been the total cost of modification on all the punches as well as on each punch ?

(c) Will Government please state if the modification was undertaken by the East Indian Railway authorities or by the patentees ?

(d) Will Government be pleased to state if the punches after their final purchase by the East Indian Railway still remained the property of the patentees ?

Mr. P. R. Rau : (a) Yes.

(b) Rs. 1,458-3-0 for 900 punches at Rs. 1-10-0 each.

(c) By the East Indian Railway.

(d) The punches are the property of the Railway.

HAYMAN-MOHINDRA PUNCHING MACHINES.

234. *Khan Bahadur Haji Wajihuddin : Will Government be pleased to state :

(a) if it is a fact that as a result of the modification, the three tubes provided with each Hayman-Mohindra punch for collection of tickets worth Rs. 18 have been rendered useless ;

(b) the total cost of refill tubes rendered thus useless ; and

(c) what Government are going to do with those tubes ?

Mr. P. R. Rau : (a) Yes.

(b) The original cost was Rs. 40,507-13-0.

(c) The administration is considering whether they can be put to any use.

HAYMAN-MOHINDRA PUNCHING MACHINES.

235. *Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to state if it is a fact that this punch is the invention of a Member of the Railway Board and one Engineer of Messrs. Martin and Co., and is called Hayman-Mohindra Punch ?

(b) Is it a fact that the modification work was given to Messrs. Martin and Co., at the suggestion of one of its inventors ?

(c) Is it a fact that these punches were manufactured by Messrs. Martin and Co., to which firm one of the patentees belonged ?

Mr. P. R. Rau : (a) One of the inventors has since become a Member of the Railway Board. It is understood that the other was employed at the time by Messrs. Martin and Company.

(b) I understand that Messrs. Martin and Company were referred to in the matter by the East Indian Railway as they supplied the punches originally, but the alterations were carried out by the Railway.

(c) It appears they were manufactured in Czechoslovakia for Messrs. Martin and Company.

Dr. Ziauddin Ahmad : May I ask whether the Railway took the trouble to find out whether other firms were prepared to make these punches ? Or, is it due to the fact that Mr. Mohindra happened to be the Chief Engineer of Martin and Company and he recommended his own firm ?

Mr. P. R. Rau : To the best of my recollection, tenders were called for for the construction of these punches, but I am not quite sure of this.

Mr. R. S. Sarma : Will the Honourable Member be surprised to hear that Messrs. Martin and Company did not make any money out of this transaction, on the other hand that they dropped some money ? In view of the suggestion that Messrs. Martin and Company made some money.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member is making a statement ; he should put a supplementary question.

Mr. R. S. Sarma : Is the Honourable Member aware that Messrs. Martin and Company had incurred a loss on this Hayman-Mohindra punch ?

Mr. P. R. Rau : Possibly ; but I cannot answer for Messrs. Martin and Company.

Mr. K. C. Neogy : Will the Honourable Member disclose the source of his information that Messrs. Martin and Company incurred a loss ?

Mr. R. S. Sarma : I had the information from the Company themselves.

Dr. Ziauddin Ahmad : Is it not a fact that this patent was registered in the name of a Member of the Railway Board and an employee of Messrs. Martin and Company ? Is it not a fact that the contract was given to the same Company to which Mr. Mohindra belonged ? Is it not a fact that the East Indian Railway for some reason or another, which is not clear from the answer, purchased all these punches at a definite loss to the tax-payers of India ?

Mr. P. R. Rau : Mr. Hayman was not at that time a Member of the Railway Board.

Mr. B. R. Puri : Was he on leave ?

Mr. P. R. Rau : He had not then been appointed a Member of the Railway Board.

Mr. B. R. Puri : Was he connected with the Railway Board in any way ?

Mr. P. R. Rau : He was Director of Finance in the Railway Board.

Mr. M. Maswood Ahmad : Was he a Director or Deputy Director ?

Mr. P. R. Rau : He was Director.

Dr. Ziauddin Ahmad : Mr. Hayman is the Railway Board ?

Mr. P. R. Rau : No, Sir.

HAYMAN-MOHINDRA PUNCHING MACHINES.

236. ***Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state if it is a fact that the East Indian Railway authorities and

the patentees entered into some agreement in connection with the Hayman-Mohindra Punches ? If so, what was it about ?

(b) When did the term of agreement expire ?

(c) Is it a fact that the patentees were handsomely benefited by way of patent-right money ?

(d) Is it a fact that the Crew system was abolished after the term of agreement between the Railway and the patentees expired and when the punches were finally purchased by the Railway ?

Mr. P. R. Rau : (a) I understand there was no agreement other than an ordinary purchase order.

(b) Does not arise.

(c) Government have no information.

(d) I do not quite understand this question. There was no term of agreement, and the Crew System was replaced by the scheme recommended by the Moody-Ward Committee long after the purchase of these punches.

OLD PUNCHING MACHINES SUPPLIED TO TRAVELLING TICKET INSPECTORS.

237. *Khan Bahadur Haji Wajihuddin : Will Government be pleased to state :

(a) what has become of those punches which were supplied to the old Travelling Ticket Inspectors in the East Indian Railway under the Accounts Department ;

(b) why their use has been abandoned ;

(c) the cost of each of the said punches ; and

(d) the total cost of all the punches in stock ?

Mr. P. R. Rau : (a) Eighty have been left over from the pre-crew days and will be utilised as and when required.

(b) The staff had already got used to the Hayman-Mohindra punches and there was no advantage in withdrawing 80 of these and re-issuing in their place the old nippers which had remained out of use for over four years.

(c) Rs. 53.

(d) Rs. 4,240.

OLD PUNCHING MACHINES SUPPLIED TO TRAVELLING TICKET INSPECTORS.

238. *Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to state if it is true that the old punches supplied to the Travelling Ticket Inspectors under the Accounts Department used to emboss punch number, date and month on the tickets and so do the Hayman-Mohindra Punches in their modified form ?

(b) Were these new punches considered an improvement over the old ones ? If so, in what way ?

(c) Will Government be pleased to state as to why such costly innovations have been resorted to during these days of financial stringency ?

Mr. P. R. Rau : (a) Yes.

(b) and (c). It was more economical to utilise the Hayman-Mohindra punches after certain alterations than to buy new ones.

HAYMAN-MOHINDRA PUNCHING MACHINES.

239. ***Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state if it is a fact that the Hayman-Mohindra Punch even in its modified form is about four times heavier than the former punch supplied to the Travelling Ticket Inspectors ?

(b) Was it ever objected to on the ground that it is too unwieldy and cumbersome a machine to be carried about by running staff ?

(c) Is it a fact that with these punches, i.e., Hayman-Mohindra punches, paper tickets and passes cannot be punched as could be done with the old punches ?

(d) Is it a fact that with the old punch five or six impressions could be made on a ticket whereas with this new one no more than two impressions can be made ?

(e) Will Government be pleased to lay on the table a sample of both the old T. T. I. and present Hayman-Mohindra punches to enable the Honourable Members to examine them personally ?

Mr. P. R. Rau : (a) Yes.

(b) Not that I am aware of.

(c) Neither the Hayman-Mohindra nor the old punch can punch paper tickets or passes nor is it necessary as all the information required is recorded by hand and in ink on these forms.

(d) Both give the same number of impressions.

(e) Specimens of both the punches are available in the office of the Railway Board for the inspection of any Honourable Member interested.

Dr. Ziauddin Ahmad : Since there are so many punches with the Railway Board for which there will never be any use, will the Honourable Member give one to every Member of the Assembly as a souvenir of the wisdom of the Railway Board ?

Mr. P. R. Rau : I shall be glad to sell one below cost if the Honourable Member wants to have it.

Mr. B. R. Puri : Have Government any serious objection to placing one on the table of the House so that we may be in a position to see it ?

Mr. P. R. Rau : I understand, Sir, that one of the consequences of placing it on the table of the House is that it is reproduced in the Debates. (Laughter.)

GRIEVANCES OF THE EMPLOYEES OF THE EAST INDIAN AND ROHILKUND AND KUMAON RAILWAYS.

240. ***Khan Bahadur Haji Wajihuddin :** Has the attention of Government been drawn to the statement of the General Secretary, East Indian and Rohilkund and Kumaon Railway Unions as published in the

Hindustan Times, dated the 11th July, 1931, in regard to the grievances of the employees and other abuses prevalent on the Railways ?

Mr. P. R. Rau : The reply is in the affirmative.

HAYMAN-MOHINDRA PUNCHING MACHINES.

241. ***Khan Bahadur Haji Wajihuddin :** Is it a fact that in reply to question No. 296 (c) by Pandit S. N. Sen in the Legislative Assembly, on 12th February, 1932, Government said that the Hayman-Mohindra Punch did not fail, whereas Messrs. Moody and Ward, Officers of the Crew Enquiry Committee, in para. 71 on page 41 of their Report have said " the machines are apt to go out of order and there are several defects which militate against their successful use ", and again in the first line of para. 72 on page 41 of the said Report they have stated " collection of tickets in train by means of the Punch is also unsatisfactory in the following way " ?

Mr. P. R. Rau : I am informed by the Agent, East Indian Railway, that the Hayman-Mohindra Punch fulfilled, to all intents and purposes, the object with which it was supplied.

Dr. Ziauddin Ahmad : How does the Honourable Member reconcile this statement about the efficiency of the machine with the statement of the Honourable Member given a few minutes ago ?

Mr. P. R. Rau : I believe, Sir, Messrs. Moody and Ward said that there are certain defects in the construction of this machine but in practice the Agent of the East Indian Railway has informed me that it was quite satisfactory.

HAYMAN-MOHINDRA PUNCHING MACHINES.

242. ***Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state if it is a fact that on the North Western Railway the same punches are still being used as the old T. T. I. punches ? Will Government be also pleased to state on what other Railways such punches were used and are still being used ?

(b) Will Government be pleased to state if it is a fact that even now the Railway Board authorities are considering the question of distributing the surplus Hayman-Mohindra punches over other State Railways ?

(c) Will Government be pleased to state why the Hayman-Mohindra punch is still allowed to remain in operation in contravention of the recommendations of the officers of the Crew Enquiry Committee ? Were these recommendations accepted by the Railway Board and adopted by the East Indian Railway authorities ?

Mr. P. R. Rau : (a) I have ascertained that the North Western Railway continue to use punches of the old pattern. I have no information regarding the types of punches in use on other railways.

(b) As the converted Hayman-Mohindra punches are as suitable for the present work as any other type of nippers, it is obviously desirable to utilise them in preference to spending money on the purchase of new nippers.

(c) They have been adjusted to suit the new conditions of working.

Dr. Ziauddin Ahmad : Is it not a fact that since the purchase of these punches Mr. Hayman's son has been employed by Martin and Company ?

Mr. P. R. Rau : I do not know anything about that.

Dr. Ziauddin Ahmad : Will Government make any inquiries about it ?

Mr. P. R. Rau : I do not think that is part of the duties of Government.

PURCHASE OF TICKET PRINTING MACHINES TO SUIT HAYMAN-MOHINDRA PUNCHING MACHINES.

243. *Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to state if it is a fact that two machines worth Rs. 16,000 were purchased by the Railway to print tickets to suit the Hayman-Mohindra punches ?

(b) Will Government be pleased to state what has become of those machines now and whether those Crew tickets are still continued to be printed ?

(c) Will Government be pleased to state why, when the Crew system was still a temporary and experimental measure, such highly expensive machines and punches were purchased by the Railway ?

Mr. P. R. Rau : (a) Yes.

(b) These machines, being adaptable, are at work in the Printing Department and are being used daily for printing tickets.

(c) I am informed that in order to facilitate the disposal of collected tickets and the preparation of ticket checking reports under the crew system, it was considered necessary to have a special type of tickets printed and to collect these with the aid of these punches.

HAYMAN-MOHINDRA PUNCHING MACHINES.

244. *Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to state if it is a fact that the East Indian Railway authorities are thinking of using the Hayman-Mohindra punches at the gates for collection of tickets ?

(b) If so, have Government considered whether collection with these punches will not be a very slow process as compared with collection by hand and will keep the passengers detained at the gate ?

(c) Will foreign tickets, passes, paper tickets be collected with these punches ?

(d) Do the Railway Department propose to undertake further expenditure to modify the punches for the purpose of collecting tickets ?

Mr. P. R. Rau : (a) No.

(b) and (c). Do not arise.

(d) I am not aware of any such proposal.

REFUSAL OF CERTAIN FACILITIES TO BENGAL DETENUS IN THE DEOLI
DETENTION CAMP.

245. *Mr. Bhuput Sing : (a) Is it a fact that Sir James Crerar, the then Home Member, in March last gave an assurance in this House that Bengal conditions would be reproduced as far as practicable in Deoli for the detenues to be transferred from Bengal ? If so, will Government be pleased to state :

- (i) whether it is a fact that the day-temperature at Deoli sometimes rose above 124° F. during the summer ;
- (ii) whether it is a fact that the detenues at Deoli requested the Superintendent to supply them with *khus-khus purdahs* and *pankhas* ; and
- (iii) whether it is a fact that the Superintendent turned down their request, in spite of Government's assurance, on the ground that these things are luxuries ?

(b) If the answer to part (a), (iii), is in the affirmative, will Government be pleased to state the reasons for the refusal by the Superintendent of *khus-khus purdahs* and *pankhas* ?

(c) Will Government be pleased to state whether they have defined what are luxuries and what are necessities for the guidance of their Jail officers or has the whole thing been left in the hands of their officers to define them according to their whims and caprices ?

The Honourable Mr. H. G. Haig : (a) (i). Temperatures are high in the hot weather, but I have no reason to suppose that they are out of relation to the general temperatures in that part of India.

(ii) Yes.

(iii) The Superintendent supplied hand fans.

(b) *Khus-khus* was not supplied because it was not considered necessary, but ceiling *pankhas* have now been supplied.

(c) The Government of India do not consider that a definition of these terms for the benefit of their officers would serve any useful purpose. Their general connotation is well understood.

Mr. Lalchand Navalrai : Will the Honourable Member please state what is the temperature there in summer ?

The Honourable Mr. H. G. Haig : I cannot give a specific answer as to the temperature there in summer.

Mr. Lalchand Navalrai : Is it 124 degrees as stated in the question ?

The Honourable Mr. H. G. Haig : I very much doubt it. I inquired about it the other day from an officer who was stationed for six or seven years at Deoli and he told me that he had never heard of any such temperature.

Mr. B. Das : May I inquire if *punkha* coolies are provided to pull these ceiling *pankhas* that have been installed, or have the detenues been asked to pull them themselves ?

The Honourable Mr. H. G. Haig : I think I replied to this question before. Obviously *pankhas* are pulled by *punkha* coolies.

Mr. B. Das : Why did the Superintendent think that the provision of *punkhas* is a luxury ? Is it not a fact that some of these detenus are as good gentlemen in public life as the Superintendent himself ?

The Honourable Mr. H. G. Haig : Has it been stated that the Superintendent considered the provision of *punkhas* as a luxury ?

Mr. B. Das : I am referring to part (a) (iii) of the question.

The Honourable Mr. H. G. Haig : The Superintendent, so far from considering these things as luxuries, supplied in the first place hand fans and, later on, ceiling fans.

REFUSAL OF CERTAIN FACILITIES TO BENGAL DETENUS IN THE DEOLI DETENTION CAMP.

246. ***Mr. Bhuput Sing :** (a) Is it a fact that no trained cooks are employed in the detention camp at Deoli and that only a few convicts who have never been trained as a cook, are employed there as cooks ?

(b) Is it a fact that mustard oil is denied to the detenus at Deoli ? Are Government aware that mustard oil is ordinarily used by Bengalees both for cooking and massaging ?

(c) If the answers to the above are in the affirmative, will Government be pleased to state the reasons for denying these facilities to these detenus ?

(d) Have Government made any enquiries as to whether these facilities are being denied to these detenus in Deoli to penalise them for their political views ? Why are they being refused such facilities which were vouchsafed to them by the Government of India in the Assembly ?

The Honourable Mr. H. G. Haig : (a) No. The cooks employed are convict cooks who have worked in that capacity in jails in Bengal. Some of those at first sent were not found satisfactory and have been replaced by better ones.

(b) No. I would refer the Honourable Member to the answer which I have given to part (b) of Mr. Gaya Prasad Singh's question No. 22.

(c) Does not arise.

(d) No, Sir. From what I have said the Honourable Member will see that the position is the exact opposite of that which he suggests in his question.

ABOLITION OF THE CONVICT SETTLEMENT AT THE ANDAMANS.

247. ***Mr. Bhuput Sing :** (a) Is it a fact that the Jails Committee of 1919 recommended the abolition of the convict settlement at the Andamans ?

(b) Is it a fact that the Government of India accepted the recommendation and was carrying out the recommendation ?

(c) Is it a fact that prisoners guilty of violent murders committed for mean and base motives are being taken away from the Andamans ?

(d) If so, will Government be pleased to state whether they are thinking of sending political detenus to the Andamans ? If so, why ?

(e) Is it a fact that the present Government propose to treat criminals guilty of violent murders inspired by base motives better than the political murderers consisting of men of education and erudition ? If so, will they be pleased to state their reasons for so doing ?

The Honourable Mr. H. G. Haig : (a) No. The Honourable Member's attention is drawn to paragraph 566 of the Jails Committee's report.

(b) The policy of the Government of India is fully explained in the Home Department Resolution of the 27th February, 1926.

(c) The general policy is to transport to the Andamans prisoners who are likely to settle there and to adapt themselves to present day conditions in the settlement. Desperate and dangerous criminals whose despatch to the Andamans has been in conflict with this policy have in many cases been brought back to India.

(d) Government have no such proposal under consideration.

(e) No, Sir. The punishment of a murderer is based on his crime, and not on the degree of his education or erudition.

Mr. Gaya Prasad Singh : May I know if there are any other prisoners in the Andamans except these political prisoners who have been transferred there, lately ?

The Honourable Mr. H. G. Haig : Yes, Sir ; there are large numbers of convicts in the Andamans.

Mr. Gaya Prasad Singh : I am referring to convicts who have not settled there.

The Honourable Mr. H. G. Haig : I do not quite understand what the Honourable Member means by settling there. Prisoners who go to the Andamans serve a definite sentence of transportation.

Dr. Ziauddin Ahmad : What is the climatic condition of the Andamans ? Is it more healthy than it used to be before ?

The Honourable Mr. H. G. Haig : Very much more healthy, Sir.

Mr. K. Ahmed : Is it a fact that the Indian Jails Committee, in the year 1919 or 1920, reported that the place was insanitary and unfit for human beings to live in ?

The Honourable Mr. H. G. Haig : Conditions have changed almost completely since the Indian Jails Committee reported.

Mr. Gaya Prasad Singh : Is the Honourable Member aware that certain papers from his Department, placed before the Standing Finance Committee from time to time, depicted the climatic conditions in the Andamans as unhealthy and insanitary ?

The Honourable Mr. H. G. Haig : No, Sir, I was not aware of that. I saw some figures the other day which showed a remarkable reduction in the death rate.

Mr. K. Ahmed : Are Government aware that only a few years ago, two Members of the Madras Legislative Council, three Members of the Legislative Assembly and Dr. Moonga, the medical expert, went there and investigated the conditions and that they reported that the place was not only insanitary, but a centre of demoralisation and, therefore, recommended that the Moplah prisoners should be sent back to their respective homes ?

The Honourable Mr. H. G. Haig : My recollection of the report of the committee is slightly vague : I must ask the Honourable Member kindly to put down a question.

Mr. K. Ahmed : This question arises out of the answer given by the Honourable the Home Member and, in view of that fact, I am entitled, according to the rules and standing orders, to put this question and, if my Honourable friend will comply with the provisions of the rules and standing orders, may I ask him again whether he will be good enough to answer the question ? I repeat the question.

The Honourable Mr. H. G. Haig : I have no objection to the Honourable Member asking a question, but I cannot undertake to carry in my head the answers to all the questions that he may ask.

Mr. K. Ahmed : I am sorry that it is very difficult for an individual Member to carry everything in the head, but since the Honourable Member is representing the Home Department and the Department is very big and as voluminous as the Chambers' Dictionary, may I ask him to answer according to the provisions of the rules and standing orders that it is definitely laid down in the report that that place is not only insanitary, but is a centre of demoralisation and that was the reason why they asked that all the Moplah prisoners convicted in the year 1921 should be sent back to India, if the Honourable Member will kindly remember that great tragedy when 100 Moplah people were shut up in a luggage van of the train from Bellary to Podanur and it was afterwards found that about 60 of them were suffocated and died, their dead bodies were being heaped up one above the other ?

The Honourable Mr. H. G. Haig : I have said that if the Honourable Member will be kind enough to put down a question, I shall be very happy to explore the records and give him an answer.

Mr. Muhammad Muazzam Sahib Bahadur : Is it a fact that the Andamans are considered to be unhealthy, from the point of view of the officials, and healthy, from the point of view of the prisoners ?

The Honourable Mr. H. G. Haig : I think at the present moment the Andamans are considered to be a healthy place for a tropical climate of that kind.

Mr. B. Das : Is it not a fact that the Honourable Member's predecessor, Sir Alexander Muddiman, visited the Andamans and he was of the opinion that it was a nice place to stay in and that he would not mind if he had to stay there ?

The Honourable Mr. H. G. Haig : I believe he was very favourably impressed by the Andamans.

RE-INSTATEMENT OF CERTAIN EMPLOYEES OF SOUTH INDIAN RAILWAY AS RECOMMENDED BY THE RAILWAY COURT OF ENQUIRY.

248. ***Mr. Bhuput Sing :** (a) Is it a fact that the Railway Court of Enquiry appointed by the Government of India under the Trade Disputes Act recommended the re-instatement of men whose names appear in list " A " of the report ?

(b) Is it a fact that the South Indian Railway have re-instated only three of the twelve men in list " A " pertaining to that Railway, and that

orders for re-instatement have not yet been passed in the case of the remaining nine ?

(c) Is it a fact that these nine men belong to the Statistical Branch of the South Indian Railway and that the Court of Inquiry remarked as follows on their retrenchment :

“ Another complaint is in regard to the way that the Statistical Department was retrenched. The officer who retrenched not having appeared, Mr. Pillai who was left to shoulder the burden could not explain and he frankly admitted that a course not adopted in any other department of the Railway was adopted in this department—namely, of dividing the 100 Clerks of this Department into a Junior Section of 50 receiving salary up to Rs. 46 and a Senior Section receiving salary of between Rs. 48 and Rs. 150 and retrenching the seniors without demotion. After this fair admission the explanation unsupported by any record of least efficiency as the justification for discharge lost all its value. The Court feels that these men have a genuine grievance in having been retrenched, and recommends the re-instatement of the ones whose names appear in list ‘A’.”

(d) If so, what is the explanation for this abnormal delay in passing orders of re-instatement of these nine men ?

Mr. P. R. Rau : (a) Yes.

(b) Three of the 12 men whose re-instatement was recommended by the Court of Enquiry have been re-appointed. As regards the nine others, the administration reports that although they consider the retrenchment in each of these cases was absolutely justified, steps are being taken, in view of the desire of Government to give effect to the recommendations of the Court, to arrange for their re-employment.

(c) No ; only five of the nine men belong to the Statistical Branch of the South Indian Railway. The remarks of the Court of Enquiry have been correctly reproduced.

(d) The matter was under correspondence between the Agent and the Board of Directors of the Railway.

Mr. Bhuput Sing : How long has the correspondence been going on in the matter ?

Mr. P. R. Rau : I understand that steps are being taken to arrange for their re-employment.

Mr. B. Das : Will the Honourable Member be pleased to state, in view of the recommendations having been there for the last six months for the re-instatement of these men, why the South Indian Railway has not taken steps to re-instate these men who have been recommended to be re-instated to the higher grade ?

Mr. P. R. Rau : The Agent of the Railway could not, I believe, take any final steps without the sanction of the Board of Directors.

Mr. B. Das : Has the Board of Directors sanctioned the putting of these nine men into the higher grades ?

Mr. P. R. Rau : I have already in reply to part (b) of the question told the House that steps are being taken to arrange for their re-employment.

Mr. B. Das : Will it take a long time or will it take place within the session and will the Honourable Member inform this House when these men have been re-instated ?

Mr. P. R. Rau : I shall call for the facts and place a statement on the table.

Mr. Muhammad Muazzam Sahib Bahadur : Will the Honourable Member indicate a little more definitely how long it will take to re-instate these people ?

Mr. P. R. Rau : When I hear from the South Indian Railway that these men have been re-instated, I shall be in a position to say how long it has taken.

ROUND TABLE CONFERENCE.

249. *Mr. Lalchand Navalrai : (a) Has the attention of Government been drawn to the statement of Sir Tej Bahadur Sapru on the speech of Sir Samuel Hoare, dated 27th June, 1932, with regard to the proposed appointment of a Joint Parliamentary Committee on the Indian Constitution ?

(b) Is the statement correct of Sir Tej Bahadur Sapru, published in the press, to the effect that the Prime Minister and Lord Lothian had made very express and explicit statements in their speeches to show that the Round Table Conference would be resummoned for a final review of the work of the Committee ?

(c) Did the Prime Minister or His Majesty's Government give any indication at any time to the Round Tables for the abandonment of the Round Table Conference ?

(d) Will Government be pleased to state if the intention of His Majesty's Government and that of the Indian Government was to secure Indian co-operation by agreement on the Indian constitutional issue ? Is it proposed to change the procedure with regard to securing Indian co-operation by agreement ? If so, why ?

(e) Is it a fact that it is proposed to demand Indian co-operation by asking them to appear before the Joint Parliamentary Committee for discussing with them concrete proposals of Government prepared independently of any agreement with Indians ?

(f) Will Government be pleased to state why specific proposals of Government could not be laid before the Round Table Conference ?

(g) Are Government aware that the statement of Sir Samuel Hoare with regard to the further procedure for solving the Indian constitutional issue has caused widespread dissatisfaction in India particularly to the Round Tablers, the members of the Liberal Federation in India and other Indian Associations ?

(h) Will Government be pleased to state if there are any reasons, other than the suggestion that the new procedure will speed up the final decision on the Indian constitutional issue, for abandoning the Round Table Conference ? If so, what are they ?

The Honourable Sir C. P. Ramaswami Aiyar : (a) Yes.

(b) to (e) and (h). I have nothing to add to the Secretary of State's pronouncements on the subject made in the House of Commons on the 27th June, and the 13th July, 1932, and to the speech delivered in this House by His Excellency the Governor General on the 5th September, 1932.

(f) It would be foreign to the principles and methods of the Round Table Conference discussions that specific proposals should be laid before the Conference.

(g) Government are aware of the various views expressed in India on the Secretary of State's statement.

Mr. B. Das : Is it not a fact that the Secretary of State has had to eat humble pie and that His Excellency has come to his rescue and has saved the Secretary of State from disgrace and has restored peace and amity in the country ?

The Honourable Sir C. P. Ramaswami Aiyar : The Secretary of State, in his statement, had already indicated that there would be a conference held if circumstances necessitating such a conference arose. At the time His Excellency the Governor General made the speech, such circumstances arose and, therefore, it will be neither accurate nor fair to say that the Secretary of State ate either humble or any variety of pie.

Mr. B. Das : Does the Honourable Member agree that the Secretary of State was guided by conscientious Indian opinion in coming to that decision and whether the Government of India agreed with the Secretary of State in that opinion of his ?

The Honourable Sir C. P. Ramaswami Aiyar : The Honourable Member is entitled to assume that the actions of the Government and the Secretary of State are influenced by public opinion in India ; but, in this particular case, as I have endeavoured to point out, in the original speech of the Secretary of State the present move had been contemplated.

Mr. K. Ahmed : Is the Honourable the Commerce Member aware that just after the publication of the first interview at Dehra Dun, four conditions have been put in the paper within the course of the last two or three days and that Sir Tej Bahadur Sapru and others are of opinion that it will be a condition precedent in the third Round Table Conference that unless responsibility follows in the centre after a few months after provincial autonomy is granted, they will not take part in the Round Table Conference ?

The Honourable Sir C. P. Ramaswami Aiyar : I do not remember having read any such statement of Sir Tej Bahadur Sapru ; but, in any case, if Sir Tej Bahadur Sapru makes up his mind to attend this conference, his point of view would no doubt be presented to that conference with his accustomed ability.

Mr. R. S. Sarma : Are Government aware that even newspapers whose editors enjoy the confidence of Government have been freely publishing for some time that the Honourable Sir C. P. Ramaswami Aiyar and Chaudhuri Zafrulla Khan have already been selected to go to the Round Table Conference and, in view of the position these gentlemen hold in the Government of India, will the Leader of the House make a statement on this premature announcement ?

The Honourable Sir C. P. Ramaswami Aiyar : I remember to have read in one newspaper something to the effect that my Honourable colleague, the Member for Education, Health and Lands, and myself have been selected. All that I can say is that there is no warrant for the suggestion made in the newspaper, because I am not aware that the process of actual selection has been completed or even begun. In any case I may say that it is in the highest degree unlikely that I myself will attend this particular conference for reasons connected with my tenure of office as Member of Council on two occasions during which period important constitutional discussions have taken place and my advisership of certain Indian States.

Mr. K. Ahmed : In view of the fact that His Excellency the Viceroy has declared in this Assembly about what sort of people will be selected in the third Round Table Conference that is to say, His Excellency wanted men of broad outlook and of constitutional capacity, do Government propose to take educated, responsible and qualified men instead of men who cannot put two sentences together and depend upon the writings of some one else, and who have no knowledge at all of constitutional law or the legal history of this country or any other country ?

The Honourable Sir C. P. Ramaswami Aiyar : So far as I could follow my Honourable friend, his was not so much a question as a suggestion. A suggestion coming from any Honourable Member of this House will receive the attention that it deserves.

Mr. K. Ahmed : In view of the fact that a newspaper has published the names of some undesirable persons (Laughter) whose services will be welcomed neither by the people of this country as they will have to be paid from the exchequer of India, nor of any other country, because their knowledge of constitutional law and history is very limited and as such it will not be of any use to the country, nor have they got a broad outlook which was mentioned as a necessary qualification by His Excellency the other day, nor have they got any status in the country since they were not able to pay back their debts in full to their creditors and became insolvent....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. The Honourable Member is making allegations of a serious character.

The Honourable Sir C. P. Ramaswami Aiyar : Mr. President, I desire, before I answer the question, to deprecate statements of the kind that the Honourable Member has permitted himself to make. He had referred to persons or some persons whose names have been mentioned. I do not know.....

Mr. K. Ahmed : Two classes of persons.

The Honourable Sir C. P. Ramaswami Aiyar : I do not know, Mr. President, whether he intends the reflection to apply to one of those persons, that is myself....

Mr. K. Ahmed : No, no.

The Honourable Sir C. P. Ramaswami Aiyar : If that is so, whether I am a person having a broad outlook or not, I have already in answer to another supplementary question said.....

Mr. K. Ahmed : That is not my question.

The Honourable Sir O. P. Ramaswami Aiyar :that for reasons entirely personal to myself, I am not likely to attend this particular conference. But, with regard to the other name, it is most unfortunate that in the absence of an Honourable Member of this House such statements should be made. But, on his behalf, I may say that it is entirely inaccurate to assert that any choice has been made or that any such discussion has taken place, because the choice, as you will remember, Mr. President, is the choice of the Prime Minister and the Secretary of State, and I have no doubt that those authorities who are responsible for the choice will remember the qualifications that are necessary, and I trust that implications of the kind, insinuations of the sort that have been made more than once on the floor of the House will be discontinued in the House in future.

Sir Muhammad Yakub : Sir, I quite agree. . . .

Mr. K. Ahmed : In view of the fact. . . .

Sir Muhammad Yakub : Sir, I quite agree with the Honourable the Leader of the House that of late we have seen on the floor of the House. . . .

Mr. K. Ahmed : Is it a supplementary question ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : This is the occasion to ask questions and supplementary questions, and not to make statements.

Mr. K. Ahmed : In view of the fact that the. . . .

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Is the Honourable Member going to ask a question ?

Mr. K. Ahmed : Yes, Sir ; I am going to put a question.

In view of the fact that the Honourable the Commerce Member is both qualified in constitutional law not only. . . .

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member is an experienced lawyer of long standing. . . .

Mr. K. Ahmed : That is why I am telling. . . . (Laughter.)

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : He ought to know what a supplementary question is and how to put it.

Mr. K. Ahmed : If you will follow the question. . . .

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. I want to give the Honourable Member his full opportunity to put supplementary questions, but I deprecate that supplementary questions should have so many statements attached to them.

Mr. K. Ahmed : I know I have got experience and knowledge for the last 12 years of this Legislature alone. In view of the fact that the Honourable the Commerce Member is both qualified and distinguished in law and is also familiar with constitutional history, he is neither lacking in ordinary knowledge nor in his outlook. The question that I have asked, Sir, is whether there are two classes of people who were selected before, and if their selection has to be criticised by this House,

may I ask, whether the Honourable the Commerce Member, as Leader of the House, will be good enough to convey to the Secretary of State that the persons who will be taken to the Conference as representing the people of this country do enjoy the confidence of the country, and I say this without meaning any reflection to any person or injuring the self-respect of any delegate who may be....

The Honourable Sir C. P. Ramaswami Aiyar : Mr. President, I have no doubt that in making the choice of the few persons who will attend the forthcoming conference, the Secretary of State and the Premier will exercise the most careful scrutiny and will also employ and utilise all the opportunities of information they have, and that the choice will be unexceptionable.

Mr. K. Ahmed : I am very much obliged, Sir.

Rao Bahadur B. L. Patil : Are Government aware of the decisions arrived at by the Western India Liberal Association of India ?

The Honourable Sir C. P. Ramaswami Aiyar : The attention of the Government has been drawn to a press cutting regarding the resolutions of the Western India Liberal Association.

Rao Bahadur B. L. Patil : Have they been communicated to the Secretary of State for India ?

The Honourable Sir C. P. Ramaswami Aiyar : The Secretary of State has access to the same papers as the Government of India have.

Mr. R. S. Sarma : In view of the unfair and unworthy personal allegations made by the Honourable Mr. K. Ahmed, would you....

Mr. K. Ahmed : I object to it, Sir. I rise to a point of order. Will he, as a Nominated Member, coming here by the good graces of Government, be allowed to make a speech or put only supplementary questions ?

Mr. R. S. Sarma : In view of the unfair and unworthy personal allegations that have been made in the interpellations put by my Honourable friend, Mr. K. Ahmed, would you, Mr. President, consider the advisability of expunging those interpellations of my Honourable friend from the day's proceedings ?

Mr. K. Ahmed : Am I not entitled to ask, Sir, whether this is in order ? Under what Rule is that question put to you and under what Standing Order do you allow it ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member should study the Rules and Standing Orders more carefully before asking such questions.

On the point of order, the Honourable Member has drawn the attention of the Chair to certain incidents that have happened in the House, and the Chair has no hesitation in informing the Honourable Member that the Chair has no authority to expunge anything from the proceedings. If any part of the proceedings is to be expunged, it must be by a motion in the House.

Mr. Muhammad Muazzam Sahib Bahadur : Will the Honourable the Leader of the House please state, for the information of the House, whether he does not consider that these disgraceful reflections which

have been cast on a Member of the Government are due to personal animosity between the Member asking those questions and the Members of Government ?

The Honourable Sir C. P. Ramaswami Aiyar : These questions are a matter for the consciences of the Members who ask those questions.

Mr. Lalchand Navalrai : Coming directly to the question, may I ask the Honourable Member whether the procedure at the forthcoming Round Table Conference and the functions of the Members now will differ from the procedure adopted at the previous sessions of the Round Table Conference ?

The Honourable Sir C. P. Ramaswami Aiyar : That matter has been elucidated in the speech of His Excellency the Governor General, and I have nothing to add.

Mr. Lalchand Navalrai : May I understand that the impression that has gone round that this Round Table Conference has been called only to please the Liberals is incorrect ?

The Honourable Sir C. P. Ramaswami Aiyar : That impression is wholly incorrect.

ROUND TABLE CONFERENCE.

250. ***Mr. Lalchand Navalrai :** (a) Has Government noticed the refutation published by Sir T. B. Sapru to the suggestion that the new procedure is not likely to speed up matters, but, on the contrary, *interferes* with the rights arising out of the principle and the procedure of the Round Table Conference ?

(b) Do Government propose to move His Majesty's Government to adopt suitable measures to revert to the original method of finally placing the specific proposals of Government before the Round Table Conference in order to restore confidence in those concerned ?

The Honourable Sir C. P. Ramaswami Aiyar : (a) Government have seen the statement.

(b) The Honourable Member is referred to the speech delivered by His Excellency the Governor General in this House on the 5th September, 1932.

PRESENT VIEWS OF MAHATMA GANDHI ON THE INDIAN CONSTITUTIONAL ISSUE.

251. ***Mr. Lalchand Navalrai :** Will Government be pleased to state if, since the withdrawal of co-operation by Mahatma Gandhi, there has been any move by Government with Mahatma Gandhi or his colleagues in jail in order to know their present views and wants on the Indian constitution ? If so, what are they ? If not, why has not any such attempt been made with a view to restore peace in the country ?

The Honourable Mr. H. G. Haig : No, Sir. I would refer the Honourable Member to the remarks made by the Secretary of State in the House of Commons on the 29th April last which I have quoted in reply to Mr. Bhuput Singh's question No. 101.

Mr. Lalchand Navalrai : May I tell the Honourable Member that he, the other day, made a reply to a question that no communication had

passed between Mahatma Gandhi and the Government of India and the Secretary of State ?

The Honourable Mr. H. G. Haig : I did not catch the Honourable Member's question. Will he kindly repeat it ?

Mr. Lalchand Navalrai : Does the Honourable Member know that the other day, in reply to a question by Mr. Gaya Prasad Singh, he was pleased to say that no correspondence had passed between Mahatma Gandhi and the Government of India and the Secretary of State ?

The Honourable Mr. H. G. Haig : I think I said that no correspondence had passed between Mr. Gandhi and the Government of India and that statement is correct.

Mr. Lalchand Navalrai : May I ask the Honourable Member whether the correspondence that was placed in the hands of Honourable Members with regard to the depressed classes did not pass between them when the answer was given ?

The Honourable Mr. H. G. Haig : It was not correspondence between Mr. Gandhi and the Government of India.

Mr. Lalchand Navalrai : The answer was with regard to the Secretary of State also.

The Honourable Mr. H. G. Haig : With regard to the Secretary of State I referred to his own statement in the House of Commons.

CLASSIFICATION OF LADY POLITICAL PRISONERS.

252. ***Mr. Lalchand Navalrai :** Will Government be pleased to make a full statement regarding their present policy for classification in general of educated ladies who are political prisoners ?

The Honourable Mr. H. G. Haig : The classification rules, which have been fully explained in the communiqué issued by the Government of India on the 19th February 1930, apply to all prisoners convicted of offences, irrespective of sex.

Mr. K. C. Neogy : Is the Honourable Member aware that certain ladies, who, as civil disobedience prisoners, were classed A in 1930, have been classed B in 1931-32 ?

The Honourable Mr. H. G. Haig : It is possible.

Mr. B. Das : Is the Honourable Member aware that Mrs. Kamaladevi Chattopadhyaya, a prominent Congress leader, who was put in Class A last year has since been put by the Bombay Government in Class C ?

The Honourable Mr. H. G. Haig : It is possible that different views are taken at different times about classification. It is primarily a matter for the Courts and secondarily for the Local Governments.

Mr. B. Das : Is the Honourable Member aware that Mrs. Kamaladevi Chattopadhyaya holds an equal position with Mrs. Sarojini Naidu, Mrs. Besant and other Congress leaders in India ?

The Honourable Mr. H. G. Haig : I have not the honour of any personal acquaintance with the lady in question.

Mr. K. C. Neogy : Is it a fact that the Local Governments are final arbiters in the matter of classification ?

The Honourable Mr. H. G. Haig : Yes, but in accordance with certain general principles which have been laid down by the Government of India.

Mr. K. C. Neogy : Will the Honourable Member be pleased to make a reference to Local Governments and find out as to how it is that certain ladies who were classed A in 1930, have been changed to B or C in 1931-32 ?

The Honourable Mr. H. G. Haig : We cannot always assume that the first classification is the correct one.

Mr. K. C. Neogy : Does the Honourable Member always assume that the second is the correct one ?

The Honourable Mr. H. G. Haig : At any rate it is taken with a full knowledge of the first classification.

Mr. B. Das : With reference to Mrs. Kamaladevi Chattopadhyaya, will the Honourable Member kindly consult his colleague, the Leader of the House, about the status and the political influence of that lady in the country and in the Congress ?

The Honourable Mr. H. G. Haig : I think, Sir, these questions might well be raised in the Bombay Council.

Mr. K. C. Neogy : Is the Honourable Member aware that in a report of a committee appointed by the Social Service League of Bombay for investigating complaints of released prisoners, a copy of which, I understand, was forwarded to the Honourable Member's Department, it is stated in paragraph 29 that :

“ Female political prisoners had bitterly complained of being associated with prostitutes and murderesses. (*An Honourable Member* : ‘Shame.’) This association appears to have been deliberately forced upon them. Orders were specifically given to the matron in charge by the Superintendent of the Arthur Road Jail that no distinction was to be made between them. They were similarly kept together also in other jails.” ?

The Honourable Mr. H. G. Haig : The allegations to which the Honourable Member has given currency are, as far as I know, entirely without foundation.

Mr. K. C. Neogy : Has the Honourable Member made any enquiries into this allegation ?

The Honourable Mr. H. G. Haig : I do not know whether that is part of the allegations made by Miss Slade, into which a special enquiry was made and which were found to be without foundation.

Mr. K. C. Neogy : I do not know about that. But I was reading from the published report of a committee, which is sold in the market for four annas, and a copy of which was, I understand, forwarded to the Honourable Member's Department ; and this does not relate to one particular political prisoner, but it refers to female political prisoners--- it is the plural number to which I wish to draw the Honourable Member's attention.

The Honourable Mr. H. G. Haig : This is a general charge, and, if the Honourable Member will put down a question, I will have enquiries made and give him an answer.

Mr. Lalchand Navalrai : Will the Honourable Member, in view of the complaints that are made about the inconveniences and the wrong classes

that are being given, be pleased to ask the Local Governments to review and revise the rules ?

The Honourable Mr. H. G. Haig : I explained to the House a few days ago that we had in fact been in correspondence with the Local Governments on this matter, that we had drawn their attention to the general considerations and that we had satisfied ourselves that Local Governments were working in general accordance with them.

Mr. S. C. Mitra : Does the classification depend upon some general principles which the Courts are asked to follow, or does it depend merely on the whims and vindictiveness of the Courts and the administrators ?

The Honourable Mr. H. G. Haig : No, Sir. It depends on certain general principles which are laid down in general terms in the Resolution of the Government of India.

Mr. K. C. Neogy : Has the Honourable Member ever heard of the name of a gentleman called Seth Ambalal Sarabhai, and is he aware that his daughter has been classed B ?

The Honourable Mr. H. G. Haig : No, Sir. I am not aware of these details.

Mr. K. C. Neogy : Will the Honourable Member make enquiries of his Indian colleagues, two of whom I find sitting on either side of him, and find out whether the social status of Seth Ambalal Sarabhai is not at least as high as that of the Honourable Member himself ?

The Honourable Mr. H. G. Haig : This is a matter which, as I have suggested before in regard to particular cases, is one that might well be raised in the Local Council or with the Local Government concerned.

Mr. K. C. Neogy : Is the Honourable Member aware that such questions have already been asked in one Local Council, and is the Honourable Member, as a Member of the Government of India, prepared to make enquiries when attention is drawn to these anomalies ?

The Honourable Mr. H. G. Haig : No, Sir. I was not aware that these questions had been raised in the Local Councils, and I shall be very glad if the Honourable Member will provide me with the answers that have been given.

Mr. K. C. Neogy : It seems that the Honourable Member does not read newspapers. (Laughter.)

DETENTION IN KARACHI GENERAL POST OFFICE OF LETTERS FOR BOMBAY AND QUETTA MAILS.

253. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if it is a fact that practically all letters of Bombay and Quetta mails are detained in the Karachi General Post Office, although they are definitely addressed for Kiamari and forwarded to Kiamari the next day instead of the same evening of the arrival of the Quetta mail ?

(b) Will Government please state whether letters addressed as "Kiamari, Karachi", in the Quetta and Bombay mails are also detained in the Karachi General Post Office and sent the next morning to Kiamari ?

(c) Is it a fact that some of the letters addressed as "Kiamari, Karachi" in the Lahore mail are also being detained in Karachi and

forwarded to Kiamari in the evening and that makes a delay of about 8½ hours ?

(d) If the replies to above be in the affirmative, will Government please state what the reason is for the delay ?

Mr. T. Ryan : (a), (b) and (c). No.

(d) Does not arise.

Mr. Lalchand Navalrai : Am I to understand that letters are being delayed on the ground of changed stamp ? Is that not correct ?

Mr. T. Ryan : If the Honourable Member will kindly ask his next question on the paper, I think he will find the information he seeks in the reply to that question.

DELAY IN DELIVERY OF KIAMARI (KARACHI) LETTERS.

254. ***Mr. Lalchand Navalrai :** (a) Is it a fact that previous to the introduction of the stamp of Kiamari as " Kiamari, Karachi " Kiamari letters were being delivered without delay as the date stamp bore the name Kiamari only ? Are Government aware that on account of the change in the date stamp people address the letters as " Kiamari, Karachi " and that account for the delay ?

(b) Do Government propose to change the date stamp and remove the grievance of the people by prompt delivery ?

Mr. T. Ryan : (a) The reply to the two parts of the question are in the negative. I may explain for the Honourable Member's information that letters for Kiamari are separated in the train and sent to that office for delivery at the same time that the mails are delivered at Karachi. In some cases in which the senders wrote Karachi more prominently than Kiamari, the letters were accidentally included in the mail for Karachi and thereby suffered delay.

(b) A change in the date stamp would not meet the case. Instructions for addressing postal articles will be found in paragraphs 91 and 92 of the Post and Telegraph Guide. The correct postal address of the place now in question is *Korachi-Kiamari* as shown on page 424 of the Guide and letters are not likely to be delayed if so addressed, or if they are addressed to Kiamari followed by the name Karachi in brackets. I may add that I am reconsidering the need for retaining Karachi-Kiamari as the name of the Post Office.

CENTRAL BOARD OF REVENUE AND ADMINISTRATION OF THE INCOME-TAX LAW.

255. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if the object of creating the Board of Inland Revenue, now the Central Board of Revenue, was to centralize the administration of the Income-tax law and to issue all rules thereunder from the Government of India itself ? Are Government aware that the Honourable Mr. (now H. E. Sir) Malcolm Hailey, while introducing the Income-tax Bill, which subsequently became the present Act of 1922, informed the Legislative Assembly that the administration of the great and growing subject of income-tax was not possible from the Secretariat and that an Officer was

needed who could not only advise on the work of the Provincial departments but also remain in close touch with commercial bodies and with the interests mainly affected by the tax and that this object could only be achieved by a whole-time officer who had opportunities of touring *throughout the year* ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state how many places were visited by the Member-in-charge of Income-tax during each of the last three years and the number of the commercial bodies and private interests interviewed ?

The Honourable Sir Alan Parsons : (a) Yes.

(b) The information asked for regarding places visited and bodies interviewed is contained in the statement placed on the table. I cannot guarantee that the list of bodies interviewed is absolutely exhaustive. So far as individuals are concerned, it is not usually necessary to keep any record of interviews and I can give no particulars. I may explain that Commissioners of Income-tax are asked to inform Chambers of Commerce and similar bodies when the Member of the Board is visiting their jurisdiction, and that interviews are invariably granted when they are asked for.

The following places were visited by the Member-in-charge of Income-tax during the years 1929, 1930 and 1931.

1929.	1930.	1931.
Delhi.	Ambala.	Bombay.
Karachi.	Lahore.	Poona.
Bombay.	Rawalpindi.	Belgaum.
Benares.	Peshawar.	Godag.
Lahore.	Jhelum.	Bijapur.
Rawalpindi.	Amritsar.	Nasik.
Peshawar.	Nagpur.	Delhi.
Agra.	Madras.	
Cawnpore.	Madura.	
Patna.	Sivaganga.	
Shillong.	Karaiudi.	
Calcutta.	Bombay.	
	Calcutta.	

The following Commercial bodies were interviewed by the Member-in-charge of Income-tax during the years 1929, 1930 and 1931.

1929.	1930.	1931.
Bengal : National Chamber of Commerce.	Ahrtis' and Dry Fruit Association, Peshawar.	Bengal Chamber of Commerce.
Bihar and Orissa Chamber of Commerce.	Peshawar Piece-goods Association, Peshawar.	
Upper India Chamber of Commerce.	Cloth Merchants of Mardan.	
	Bengal Chamber of Commerce.	
	Marwari Association, Calcutta.	
	Southern India Chamber of Commerce.	
	The Bombay Native Piece-goods Merchants' Association.	
	Income-tax Payers' Association, Rawalpindi.	

AMENDMENT OF SECTION 33 OF THE INDIAN INCOME-TAX ACT.

256. *Mr. Lalchand Navalrai : Will Government be pleased to state if they have received any representations for amending section 33 of the Indian Income-tax Act, 1922 ? Will they be pleased to state whether they propose to take action in the matter ?

The Honourable Sir Alan Parsons : Some representations have been received by the Central Board of Revenue. The Government have no present intention of amending the section.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say if the Government recognise the difficulty of working this section and consider the desirability of amending it at an early date ?

The Honourable Sir Alan Parsons : There is no intention of amending this section at present. The representations we have received relate, I think, chiefly to fixing a period of limitation for the Commissioner's powers of revision. At present under executive order no Commissioner of Income-tax can exercise his powers of revision without first consulting the Central Board of Revenue if the order in question is an order of more than one year old. I have gone into the matter and I very much doubt whether the fixing of any rigid period of limitation would be of advantage to assesseees. The Honourable Member must recognise that these powers of revision are very often used in favour of the assesseees.

Mr. Lalchand Navalrai : Does not the Honourable Member think that if the Commissioner wants to charge more assessment after one year, it will be very hard ?

The Honourable Sir Alan Parsons : I should not like to express an opinion without knowing the details of the individual case.

REVISION OF INCOME-TAX CASES BY COMMISSIONERS OF INCOME-TAX.

257. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state if it is a fact that the Central Board of Revenue have issued instructions to the effect that if a Commissioner of Income-tax desires to exercise his power of revision in any case, where more than a year has elapsed since the passing of the last order by the subordinate authorities, he should do so after first consulting the Board ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to lay on the table a statement showing the number of cases in which the permission of the Board was applied for by the Commissioners in each of the last three years and also the number of cases in which this permission was refused by the Board ?

The Honourable Sir Alan Parsons : (a) Yes. In paragraph 81 of the Instructions appended to the Income-tax Manual.

(b) A statement is laid on the table.

Statement showing the number of cases in which the Central Board of Revenue permitted the Commissioners of Income-tax to exercise their powers of revision under section 33 of the Indian Income-tax Act after the lapse of a year since the passing of orders by subordinate authorities during 1929, 1930 and 1931.

Year.	Number of cases in which permission was given.	Number of cases in which permission was refused.
1929	1	<i>nil.</i>
1930	4	<i>nil.</i>
1931	3	<i>nil.</i>

REVISION OF INCOME-TAX CASES BY COMMISSIONERS OF INCOME-TAX.

258. ***Mr. Lalchand Navalrai :** Will Government be pleased to lay on the table a statement showing the number of applications for revision received by each of the Commissioners of Income-tax during the Assessment years 1930-31 and 1931-32 separately and the number in which, even though the petition was within 12 months, the Commissioner did not see fit to exercise his power of revision ?

The Honourable Sir Alan Parsons : The information in the form for which the Honourable Member asks would have to be specially compiled, and I do not feel justified in imposing on the Income-tax Department the extra work that its compilation would entail. The Honourable Member will however find in return No. VII of the All-India Income-tax Report figures of cases of review under section 33 taken up and disposed of by the Commissioners in the various provinces.

REVIEW OF INCOME-TAX CASES UNDER THE INDIAN INCOME-TAX ACT.

259. ***Mr. Lalchand Navalrai :** (a) Has the attention of Government been drawn to the case reported in the I. L. R. 8 Lahore, page 347 where it was held that the powers of review under section 33 of the Income-tax Act are subject to the same restriction in regard to limitation as those of an Income-tax Officer under section 35 and therefore review under section 33 could not be done after the expiry of one year ?

(b) Do Government propose to instruct the Board of Revenue to conform to this ruling ? If not, why not ?

The Honourable Sir Alan Parsons : (a) Government are aware of the opinion of the High Court.

(b) No. The Board has, of its own motion, issued the necessary instructions in paragraph 81 of the Income-tax Manual.

Mr. Lalchand Navalrai : May I know what are the reasons for the decision of the High Court and what instructions have been issued in order to meet that judgment ?

The Honourable Sir Alan Parsons : I have not got the judgment of the High Court with me, but the Central Board of Revenue have issued instructions already in accordance with their ruling.

AMENDMENT OF SECTIONS 42 AND 43 OF THE INDIAN INCOME-TAX ACT.

260. ***Mr. Lalchand Navalrai** : (a) Will Government be pleased to state if the Federation of Indian Chambers of Commerce and Industry have during the last two or three years pressed on Government's attention the extreme need for amending sections 42 and 43 of the Indian Income-tax Act so as to free a Commission Agent in British India from the obligation to pay income-tax on the profits or interest accruing to his non-resident principals ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state what action has so far been taken in this direction and whether they propose to take any action ?

The Honourable Sir Alan Parsons : (a) The Federation passed a resolution in February, 1930, urging Government to amend sections 42 and 43 of the Income-tax Act in the manner mentioned by the Honourable Member.

(b) After full consideration, the Government decided that no action should be taken.

Mr. B. Das : Is it not a fact that since then the Government of India have decided to non-co-operate with the Federation of the Indian Merchants' Chamber ?

The Honourable Sir Alan Parsons : That is hardly how I should describe the position.

Mr. B. Das : May I ask the Honourable the Commerce Member if it is not a fact that because the Federation's terms were not accepted about their representation on the Round Table Conference Committees and the Consultative Committee, the Government of India have decided to non-co-operate with the Federation ?

The Honourable Sir C. P. Ramaswami Aiyar : The Government of India have come to no such decision in the Department of which I am in charge.

Mr. B. Das : When the Federation suggested certain methods for their representation at Ottawa, the Government did not reply to those letters.

The Honourable Sir C. P. Ramaswami Aiyar : On the other hand, the Federation said that they were utterly opposed to the root idea of the Ottawa Conference and they made certain other suggestions which did not involve their co-operation with that Conference.

Mr. B. Das : Do the Government pay the same respect to the Federation of Indian Merchants' Chamber as they pay to the Associated Chambers of Commerce ?

The Honourable Sir C. P. Ramaswami Aiyar : They pay equal respect to all accredited organisations representing commercial life.

Mr. B. Das : Is the Honourable Member aware that the Federation represents the bulk of Indian merchants and trades people in India ?

The Honourable Sir C. P. Ramaswami Aiyar : Presumably, Sir, that may be so.

Mr. B. Das : Why then did the Government not pay proper heed to their representation ?

The Honourable Sir C. P. Ramaswami Aiyar : The Federation of Indian Merchants' Chamber have shown the Government of India somewhat scant courtesy ?

Mr. B. Das : It is rather the other way.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say, with regard to the amendment of sections 42 and 43, whether persons other than the Federation have also sent in representations ?

The Honourable Sir Alan Parsons : I am afraid I must ask the Honourable Member to give me notice.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say whether the Commissioners of Income-tax have been consulted with regard to this amendment or not ?

The Honourable Sir Alan Parsons : I cannot tell you at the moment.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to make further inquiries as to whether there is a necessity of changing this section or not ?

The Honourable Sir Alan Parsons : Government, after consideration, have decided that it is not necessary to amend the section.

Mr. Lalchand Navalrai : That was a long time ago. Since then complaints have been received. Will Government re-consider their view ?

The Honourable Sir Alan Parsons : I do not think re-consideration is required.

CASES IN WHICH RESIDENTS IN BRITISH INDIA WERE CALLED UPON TO PAY INCOME-TAX IN RESPECT OF INTEREST PAID TO NON-RESIDENTS.

261. ***Mr. Lalchand Navalrai :** Will Government be pleased to obtain information and lay on the table a statement for each of the three years 1929-30, 1930-31, and 1931-32 as to the number of cases in each Province in which residents in British India were called upon to pay income-tax in respect of interest paid by them to non-residents ?

The Honourable Sir Alan Parsons : The compilation of this information would be an immense task and Government are not prepared to undertake it.

Dr. Ziauddin Ahmad : Are persons residing in Indian States included among non-residents ?

The Honourable Sir Alan Parsons : They would be non-residents in British India, yes.

Dr. Ziauddin Ahmad : And exempted from income-tax ?

The Honourable Sir Alan Parsons : Does the Honourable Member mean—Is a resident in an Indian State liable to income-tax in British India ? The answer is, as far as I am aware, in the negative, unless the income is received in or brought into British India.

Mr. B. B. Puri : What about the income which is derived in India ?

The Honourable Sir Alan Parsons : That, I imagine, is liable to income-tax, but I should not like to give definite answers to these rather technical and legal questions in the course of supplementary interpellations.

Dr. Ziauddin Ahmad : May I understand this clearly ? If a person residing in an Indian State brings his money to Simla, will he then be liable to pay income-tax on that ?

The Honourable Sir Alan Parsons : I imagine he might be, but really I should like the Honourable Member to give me the specific case that he has in mind.

Dr. Ziauddin Ahmad : I am talking of the general principle.

The Honourable Sir Alan Parsons : I cannot answer definitely on a general question of that kind.

Dr. Ziauddin Ahmad : I am asking this, because it is important for me. I would like to have my postal address in an Indian State, say, Rampur, which is in the United Provinces, so that I may be exempted from income-tax.

DISPOSAL OF INCOME-TAX CASES IN SIND.

262. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if it is a fact that Income-tax Officers in Sind call such assesseees, as have applied for the re-opening of their assessments under section 27 of the Act, with a view to record their statements on solemn affirmation and thereafter pass orders on such applications ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state if the procedure is in accordance with the orders of Government ?

The Honourable Sir Alan Parsons : (a) No. But as complaints were received in the past from assesseees that orders under section 27 were being passed by Income-tax Officers *ex parte* without giving a hearing to them, the Income-tax Officers were given instructions to the effect that they should ordinarily give an opportunity to the assesseees concerned to appear before them with proofs in support of the applications made by them.

(b) The orders just mentioned were those not of the Government but of the Commissioner of Income-tax, Bombay. It appears to the Government that the procedure described is not open to objection, having regard to the provisions of section 37 of the Income-tax Act.

Mr. Lalchand Navalrai : Am I to understand that when assesseees appear before Income-tax Commissioners, they should be administered oath or affirmation before they make their statements ?

The Honourable Sir Alan Parsons : As far as I am aware, these statements are not made on oath.

Mr. Lalchand Navalrai : My information is that they are. Will the Honourable Member be pleased to issue instructions ?

The Honourable Sir Alan Parsons : If the Honourable Member will give me the information in his possession, I will have the matter inquired into.

MOTION FOR ADJOURNMENT.

DENIAL OF FACILITIES TO A DETENU TO PERFORM RELIGIOUS RITES.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. I have received a notice from Mr. Lahiri 12 Noon. Chaudhury that he proposes to ask for leave to make a motion for the adjournment of the business of the House to-day for the purpose of discussing a definite matter of urgent public importance, as follows :

“ Denial of facilities to detenu Satyabhusan Gupta detained in the Mianwali Jail to perform religious rites (Sradh) on the recent demise of his mother ”.

I have to inquire whether any Honourable Member has any objection to this motion.

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House) : Sir, in a matter of this kind I am anxious—especially when I know that the Honourable Member feels so strongly on the matter that he has taken steps to move the adjournment of the business of the House—not to say anything that might have in the remotest way the effect of wounding his feelings ; but, Mr. President, these motions ought to be on matters of urgent public importance : and I beg to submit to you, Mr. President, that, however much the case may be one for investigation by my Honourable friend, the House Member, it is not a matter of urgent public importance. I think it is my duty to place that view before you, Mr. President ; but I want to make it clear that in any remarks that I have just now made, I am not to be understood for a moment to minimise what my Honourable friend may have in his mind with regard to the high importance of the religious rite in question.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Objection has been raised on the ground that the matter referred to is not definite, not urgent, and not of public importance. These are the three points which determine the admission of an adjournment motion. I should like to ask the Honourable Member, who has given notice of the motion, to state, for the information of the House, how he justifies the adjournment motion on the ground of its definiteness, urgency and public importance.

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : Mr. President, objection has been taken to my motion by the Honourable the Leader of the House on the ground that it is not a definite matter of urgent public importance. Now, in this connection, I want to impress upon the House and also the Leader of the House that when the Bengal Criminal Law Amendment Bill was passed in this House, various objections had been raised that when the detenus were going to be transferred from Bengal to different provinces, they would suffer from various disabilities, and urging that several facilities should be given to the gentlemen who happened to be detained without any trial. As regards the point of urgency, what can have been more urgent to him than to perform the sradh at the death of the mother of the detenu ? Sir, it is incumbent, as you know, on every Hindu, on the death of his mother, to perform the last rites of the mother. Secondly, it is definite, because it trespasses upon religion, and it is definite, because it rests on a particular incident, viz., the death of the mother of the detenu and the refusal of facilities to the detenu to perform the last rites of his mother, and, it is a matter of public importance, because the personal right of a particular gentleman has been taken away, and the special religious observances resting on the

detenus have not been permitted to be observed in this particular case. Sir, it is a very bad precedent, and that is why I have brought it to notice and tabled the motion for adjournment on the ground of its urgency, definiteness and public importance. I hope I have cleared my position.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhamadan Rural) : Sir, the question is of public importance, because it relates to the religious rites of the Hindus. The particular ceremony of "Sradh" is a religious matter of great concern to all Hindus, unlike some of our Christian brethren who may not care very much for these spiritual affairs. (*Voices of "Question", "Question."*) Well, if that is not so, then they also should admit the very great urgency and public importance of the motion, because it is a question that relates to the spiritual welfare of one's own parents. The matter is urgent, because the ceremony of "Sradh" should be performed on a particular date after death, and that it is a very specific matter admits of no argument. I am, therefore, surprised that the Honourable the Leader of the House, who is not only a leading Member of the Government, but is also a Brahmin, and, as such, who certainly ought to know that the "Sradh" ceremony by the eldest son of the deceased is binding on every Hindu, should take up this attitude. (*Hear, hear.*) Particularly in this case, the detenu being detained without any trial, and not having been given any chance to clear his character, this is an additional burden on him if he is not allowed to perform religious duties enjoined on him by his shastras. I submit, it is really a very urgent matter, a very definite matter, and is a matter of public importance in that facilities for the performance of binding religious observances have been refused.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I am surprised that the Honourable the Leader of the House should have taken objection to this motion. If I understood him aright, he said that it was not a definite matter of urgent public importance. Now, I submit, it is a definite matter, because it deals with the case of a particular detenu, and it is as definite as any matter can be. It is a matter of public importance, because it deals with the large question as to whether a person can be debarred from performing the religious rites of his community by reason of detention, and thus it affects not an individual case but the detenus as a class, and, therefore, it is a matter which affects a section of the community, and, therefore, affects the public and, through them, affects the whole Hindu community to which the detenu belongs. It is a matter of urgent public importance, because the urgency of it is determined by the religious necessity of the case, and the urgency is further enhanced by the fact that the "Sradh" ceremony must be performed on a particular date and within a certain time. Sir, I, therefore, do not think that there can be the slightest objection to the motion, and I, therefore, consider that it conforms to the Rules and Standing Orders both as regards definiteness, urgency and public importance.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Mr. President, if this matter is not to be considered a matter of urgent public importance, I wonder what would be considered a matter of urgent public importance in this House ? (*Hear, hear.*) Sir, the ceremony connected with death which rests on a Hindu, Mussalman or Christian is as important in a family where that death

[Mr. Muhammad Azhar Ali.]

occurs as any ceremony can be, though it may not seem so to official eyes as long as they are our rulers (Hear, hear), but it is a most important occasion in the eyes of every Indian—I would not say of every Hindu alone. (Hear, hear.) Sir, in this special case I am told that he is not only the eldest son, but he is the only son of his deceased mother. When such disabilities are imposed on detenus, who are not prisoners in the ordinary sense and who have not actually been convicted for any offence, I do not see how we can reconcile our conscience and the conscience of the House to refusing this adjournment motion.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I should like to ask the Honourable the Mover as to when the death took place, whether Government were approached in the matter, and whether Government refused and, if so, when that refusal was made known to him ?

Mr. D. K. Lahiri Chaudhury : Sir, the death occurred on the 29th August, and on the 30th the application was sent to the Home Member of the Government of India and also to the Government of Bengal. They also sent reply-paid telegrams to the Home Member, Simla, and the Home Member, Bengal. This telegram was sent on the 3rd September. But when I came to Simla and made inquiries in the matter, I found that the Honourable the Home Member had already received the information. The Home Member informed me on Monday evening that he regretted very much he could not do anything in the matter. So, I tabled the motion yesterday which is being dealt with now.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : In view of the statement made, the Chair has come to the conclusion that it is a definite matter of urgent public importance. As objection has been taken, I have to request those Honourable Members, who are in favour of leave being granted, to rise in their places. (*Some Honourable Members rose.*) As not less than 25 Members have risen, I declare that leave is granted and that the motion will be taken up for discussion at 4 P.M. to-day.

STATEMENTS LAID ON THE TABLE.

Mr. H. A. F. Metcalfe (Foreign Secretary) : Sir, I lay on the table the information promised in reply to unstarred questions Nos. 208, 209, 214, 215, 216 and 217 asked by Khan Bahadur Haji Wajihuddin on the 23rd March, 1932.

EXEMPTION OF MOTOR CARS FROM OCTROI DUTY IN AJMER-MERWARA.

208. (1) No person was exempted.

(2) The Resolutions to which the Honourable Member apparently refers are those of the Finance Sub-Committee. Copies of these are laid on the table together with a copy of Resolution No. VII of the Municipal Committee approving these proceedings of the Finance Sub-Committee.

Extracts from the proceedings of the meeting of the Finance Sub-Committee of the Ajmer Municipal Committee held on 14th January, 1930.

Resolution No. I. Read letter from Lieutenant-Colonel G. Howson regarding composition for Octroi duty with Octroi Superintendent's report that it may be allowed on payment of Rs. 10 per annum. It does not include tax on motor cars.

Resolved that the composition be recommended for General Committee's sanction.

Resolution No. VIII. Read papers regarding composition of octroi duty by Mr. Luck for Rs. 10 per annum.

Resolved that the composition be approved and submitted to General Committee.

Resolution No. IX. Read papers regarding composition of octroi duty with the Forest Officer for Rs. 40 per month.

Resolved that the composition be approved and submitted to General Committee.

Resolution No. X. Read papers regarding composition for octroi duty by Mr. R. A. Ritchie for Rs. 10 per annum.

Resolved that the composition be approved and submitted to General Committee.

Resolution No. XI. Read papers regarding composition of octroi duty by Mr. D. R. Wright.

Resolved that composition for Rs. 10 be approved and submitted to General Committee.

Extract from the proceedings of an Ordinary Meeting of the Ajmer Municipal Committee held on 23rd January, 1930.

Resolution No. VII. The Finance Sub-Committee recommend that octroi be compounded with the following for one year in accordance with the resolutions quoted against each excluding new motor cars :—

No.	Name.	From Date.	To Date.	Amount.	F. S. C.'s Resolution No.	Date.
1	D. R. Wright, Esq., I. G. Police.	16-11-29	15-11-30	Rs. 10	XI	14-1-30
2	R. A. Ritchie, Esq.	4-12-29	3-12-30	10	X	14-1-30
3	C. P. Luck, Esq.,	1-12-29	3-11-30	10	VIII	14-1-30
4	Lt.-Col. G. Howson	29-9-29	19-9-30	10	IV	14-1-30
5	Divisional Forest officer.	1-1-30	31-12-30	10	IX	14-1-30

Resolved unanimously that the recommendations of the Finance Sub-Committee be approved.

MISCELLANEOUS EXPENDITURE OF THE AJMER MUNICIPAL BOARD.

209. (a) Yes.

(b) Rs. 27,794 spent on the purchase of grass were wrongly included under head "Miscellaneous". When this is deducted from Rs. 36,660 the expenditure under "Miscellaneous" amounts to Rs. 8,866 only.

ELECTION OF CHAIRMAN OF THE AJMER MUNICIPAL BOARD.

214. (a) The rule exists.

Colonel Howson was not on the list of voters but he was not elected by the Committee.

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(b) Colonel Howson was nominated as Chairman of the Municipal Committee, Ajmer, by the Chief Commissioner in exercise of the powers conferred on him by Sections 13 (3) and 13 (4) of the Ajmer-Merwara Municipalities Regulation VI of 1925, at the request of the Committee, vide their Resolution No. 1, dated the 15th August, 1931, a copy of which is laid on the table.

Extract from the proceedings of an Urgent Special Meeting of the Ajmer Municipal Committee held on 15th August, 1931.

Resolution No. I.

Read proposal of 6 members who are of opinion that Lieutenant-Colonel G. Howson, C.I.E., who is well-known for his administrative capabilities is the most suitable gentleman for the Chairmanship of Ajmer Municipality but unfortunately his name does not appear on the Electoral List, they therefore propose that instead of electing a Chairman the Committee should approach the Honourable the Chief Commissioner, Ajmer-Merwara, kindly to exercise his powers under Section 13 (3) of the Ajmer-Merwara Municipalities Regulation No. VI of 1925 to nominate him as Chairman for the present term of the office of this Committee to enable the said committee to enjoy the benefit of his experience and ability.

The proposal was opposed by Mr. Hem Chandar and seconded by Mr. Ahmad Noor Khan and Mr. Gaiinda Lall.

The proposal and opposition was put to vote and it was decided to have votes by ballot.

The original proposal was carried by 9 to 8.

REPRESENTATION OF DARGAH AND PUSHKAR AND OF CLOTH AND SUGAR MERCHANTS OF THE AJMER MUNICIPAL BOARD.

215. (a) (1) The following are the figures of Visitors' tax collected through the Bombay, Baroda and Central India Railway for 1930-1931 which is in force throughout the year and not only at the time of Urs and Pushkar fairs—

Rs. 20442.

The total octroi income for 1930-1931 amounted to Rs. 2,91,870 of which Rs. 54,415 was realized under the head "cloth" and Rs. 28,209-1-6 under the head "sugar".

(a) (2) (3) Ajmer is divided into four wards, viz., (1) City Ward, (2) Kaisarganj Ward, (3) Railway Ward, and (4) Suburban Ward. They have the right to elect respectively 9, 2, 3 and 3 members. The City Ward is sub-divided into 8 sub-wards. The majority of cloth and sugar merchants live in 4 sub-wards, viz., Nos. 1, 3, 4 and 6 which have the right to elect five members. Two cloth merchants and 1 sugar merchant are members of the Committee. At present the number of nominated members on the Committee is 4. They are nominated by the local Administration to secure the adequate representation of minority communities.

(b) In view of the reply to part (a) of this question, no steps are necessary.

OCTROI DUTIES IMPOSED BY THE AJMER MUNICIPAL BOARD.

216. (a) On grain octroi duty is charged at maundage, but on dry fruits and dry vegetables, on fresh fruits and fresh vegetables it is charged *ad valorem*. Fresh vegetables including carrots imported in head-loads are exempted.

(b) In view of the reply to part (a) of this question no steps are necessary.

OCTROI DUTY PAID BY THE WEAVING MILLS AT ANASAGAR.

217. (a) (1) The average octroi receipts during the last three years from the mill have been :

					Rs. A. P.
1928-29	..	..	..	..	2,017-10-5
1929-30	..	..	..	..	2,422-5-7
1930-31	..	..	..	..	1,509-12-2

The Bombay, Baroda and Central India Railway have compounded their octroi payments for Rs. 15,000 per annum.

(2) Octroi dues cannot be calculated on the basis of the amount of labour employed.

(b) Government do not propose to take any steps.

The Honourable Mr. H. G. Haig (Home Member) : Sir, I lay on the table—

- (i) the information promised in reply to starred questions Nos. 825 and 830 asked by Maulvi Sayyid Murtuza Saheb Bahadur on the 16th March, 1932 ;
- (ii) the information promised in reply to starred questions Nos. 615 to 618 and to parts (d) and (e) of starred question No. 660 asked by Mr. C. S. Ranga Iyer on the 21st and 22nd September, 1931 ; and
- (iii) the information promised in reply to part (b) of starred question No. 1107 asked by Mr. Uppi Saheb Bahadur on the 1st April, 1932.



RECRUITMENT OF MUSLIMS BY THE PUBLIC SERVICE COMMISSION.

825 and 830. Statement showing the number of unqualified Muslims recruited since 1st July, 1931, the number of Muslims holding temporary posts whose services have been dispensed with since 1st July, 1931 and the number of candidates recruited to fill temporary, officiating and permanent vacancies during the period 1st May, 1931 to 31st January, 1932.

Departments.	No. of unqualified Muslims recruited since the 1st July 1931.	No. of Muslims holding temporary posts whose services have been dispensed with since 1st July 1931.	No. of candidates recruited to fill temporary, officiating and permanent vacancies during the period 1st May, 1931 to 31st January, 1932.						Number in Column 4 who were passed candidates.	No. in Column 4 who were nominated by the P. S. C.	Remarks.
			Hindus.	Muslims.	Europeans and Anglo-Indians.	Sikhs.	Indian K. Ians.	Other minorities.			
<i>Department of Industries and Labour.</i>											
Industries Branch ..	Nil.	Nil.	4	3	.. 1	.. 2	..	..	4	Nil.	
Public Works Branch ..	Nil.	Nil.	2	2	..	1	..	..	4	3	
Director of Civil Aviation ..	Nil.	Nil.	9	5	..	1	..	..	7	3	
Controller of Printing and Stationery.	2	Nil.	2	3	..	1	..	..	1	1	
Director General of Posts and Telegraphs.	Nil.	Nil.	1	..	2	..	..	..	1	1	
Indian Stores Department ..	Nil.	*4	4	2	..	..	..	..	6	6	*Unqualified.
<i>Foreign and Political Department.</i>											
Secretariat ..	Nil.	Nil.	8	..	.. 1	..	1	..	Nil.	Nil.	
Office of the Military Adviser-in-Chief, Indian State Forces.	Nil.	Nil.	3	..	..	..	..	..	1	2	Hindus appointed with the concurrence of the P. S. C.
<i>E. H. and L. Department.</i>											
Secretariat ..	1	2	5	2	..	1	..	..	7	7	
Director General Indian Medical Service.	Nil.	Nil.	2	5	..	1	..	..	2	2	

Director General of Archaeology ..	Nil	Nil	1	..	1	..	1	..	1	..	..	One Hindu and one Sikh have since left.
Finance Department ..	2	Nil	1	5	1	..	1	..	1	1	..	
Military Finance Department ..	Nil	Nil	..	2	..	..	..	..	1	..	..
Military Accountant General's Office.	Nil	Nil	..	..	1	..	..	..	..	..	..
Commerce Department ..	1	Nil	1	1	2	..	2	..	1	1	..	*6 Lady clerks were recruited with the permission of the Public Service Commission.
Army Department ..	Nil	Nil	3	9	..	6*	..	..	..	..	..
G S. Branch ..	1	Nil	..	..	..	..	..	..	..	..	..
A G's. Branch ..	..	1†	2	1	2	2	..	..	1	1	..	† Reverted to substantive post in Postal Department.
Q. M. G.'s Branch ..	3	3	10	6	4	3†	..	..	9	9	..	‡ Lady clerks.
M. G. O. Branch ..	3	7	6	1	2	3	..	..	11	11	..	§ Not fully qualified.
E-in-C.'s Branch ..	..	1	1	2	1	1	..	..	..	2	..	|| Soldier clerk.
M. S. Branch ..	..	..	..	..	..	..	..	..	..	..	..
A. M. S. (P) ..	..	..	..	..	..	..	..	..	..	..	..
J. A. G.'s Office ..	..	..	..	1	..	..	..	..	..	..	..
A. D. O. S. (P.) ..	1	1	2	8	2	..	..	..	5	5	..	
Contracts Directorate ..	..	5	1	13	1	2	1	..	15	15	..	
R. A. F. Headquarters ..	..	..	..	5	2	2	..	1	7	7	..	
Medical Directorate ..	..	..	..	..	..	..	..	..	..	..	..
Imperial Council of Agricultural Research Department ..	4	1	10	6	..	..	1	..	6	3	..	
Railway Department ..	..	..	1	..	..	..	..	..	..	..	..
Legislative Assembly Department ..	1	1	..	1	..	..	..	..	..	..	..
Legislative Department ..	..	..	..	..	..	..	..	..	..	..	..
Central Board of Revenue ..	4	3	4	3	..	..	..	2	1	1	..	
Director, Public Information ..	..	..	..	..	..	..	..	..	..	..	..
Director, Intelligence Bureau ..	..	..	..	1	3	..	..	..	1	1	..	
Public Service Commission ..	..	..	1	1	1	..	..	..	1	1	..	
Home Department ..	2	..	4	4	1	1	..	..	3	2	..	

EXPORT OF MONKEYS FROM INDIA.

615—618 and parts (d) and (e) of 660. The reports received from Local Governments show that the traffic in monkeys is comparatively small and is confined to the presidencies of Bombay and Bengal and to the United Provinces. No letters or representations have been received by Local Governments from societies or individuals protesting against the export of these animals. There is no definite evidence as to the purpose for which monkeys are exported though the names and addresses of some of the principal consignees suggest that they are intended largely as zoological specimens.

2. As regards the conditions of transit, the position, so far as transport by rail in India is concerned, was stated in my predecessor's reply to part (b) of the Honourable Member's starred question No. 659 and to part (c) of his question No. 660 asked in this House on the 22nd September, 1931. In Bengal rules have been framed by the Local Government under the Bengal Cruelty to Animals Act, 1920, to ensure that more space is allowed for each monkey than that detailed in the answer to question No. 660.

3. This traffic is handled expeditiously at the docks in conditions which are not unhygienic. There is no lack of accommodation for the cages on board ships. As a general rule the cages are placed on top of the hatches and over the hatches is a canvas awning. In no circumstances are two cages placed one on top of the other. After Suez the cages are taken below deck as a protection from cold. The cages are cleaned twice a day.

4. None of the three Local Governments which have experience of this traffic has suggested that it should be restricted. One Local Government has reported that monkeys by doing great damage to crops and certain types of buildings have become a serious pest. Two Local Governments have already issued instructions which it is hoped will improve the conditions concerned with this traffic and other proposals with the same object in view are being examined. The Collectors of Customs at Bombay and Calcutta have been asked to report cases of cruelty. The Indian Railway Conference Association is being asked to consider the question of incorporating in the rules appearing in the Conference Association's Tariff, governing the transport of monkeys, a clause to the effect that monkeys will not be accepted for carriage by railway between the 15th March, and the 15th October. From the reports received from the Local Governments it is clear that the various branches of the Society for the Prevention of Cruelty to Animals are now paying attention to this question and it is hoped that with their co-operation and the help of members of the public who have interested themselves in this question the traffic will be carried on in future under more humane conditions.

POSTS WITH SPECIAL PAY IN THE GOVERNMENT OF INDIA HELD BY NON-MUSLIMS.

Part (b) of 1107.—Statement showing (1) the number and nature of posts carrying special pay, (2) the amount of special pay, and (3) the community to which the holder of the posts belong, in the various Departments of the Government of India.

Department.	Number and nature of posts carrying special pay.	Amount of special pay attached to the post.	Community to which the holder of the posts belong.
		Rs.	
LEGISLATIVE ASSEMBLY DEPARTMENT.	(One) Private Secretary to the Hon'ble the President.	100 p. m. ..	Muslim.
	(One) Clerk-in-Charge, Issue Branch.	50 p. m. ..	Muslim.
	(One) Cashier	50 p. m. ..	Hindu.
	(One) Stenographer attached to the Hon'ble the President.	50 p. m. ..	Hindu.
	(One) Stenographer attached to the Secretary.	50 p. m. ..	Hindu.
	(One) Multigraph Operator ..	20 p. m. (during the sessions of the Legislative Assembly and for a month before and for a week after such sessions).	Hindu.
DEPARTMENT OF COMMERCE.	(One) Assistant-in-Charge ..	50 p. m. ..	Hindu.
	(One) Personal Assistant to the Honourable Member.	150 p. m. ..	Hindu.
	(One) Personal Assistant to the Secretary.	50 p. m. ..	Hindu.
	(One) Personal Assistant to the Joint Secretary.	50 p. m. ..	Hindu.
	(One) Cashier	50 p. m. .. 25 p. m. (for work connected with Light houses and Light-ships Department).	Hindu.
LEGISLATIVE DEPARTMENT.	(One) Clerk-in-Charge, Routine Section.	50 p. m. ..	Hindu.
	(One) Librarian	25 p. m. ..	Muslim.
	(One) Personal Assistant to the President of the Council of State.	100 p. m. ..	Anglo-Indian.
	(One) Personal Assistant to the Honourable Member.	150 p. m. ..	Hindu.
	(One) Stenographer attached to the Joint Secretary.	50 p. m. ..	Hindu.

Department.	Number and nature of posts carrying special pay.	Amount of special pay attached to the post.	Community to which the holder of the posts belong.
		Rs.	
LEGISLATIVE DEPARTMENT—contd.	(One) Cashier	50 p. m. ..	Hindu.
	(One) Clerk-in-Charge, Issue Branch.	50 p. m. ..	Muslim.
FOREIGN AND POLITICAL DEPARTMENT.	(One) Clerk-in-Charge of Issue Branch.	50 p. m. ..	Hindu.
	(One) Cashier	50 p. m. ..	Hindu.
	(One) Clerk-in-Charge of Toshakhana.	50 p. m. ..	Sikh.
	(One) Stenographer to Political Secretary.	50 p. m. ..	Hindu.
	(One) Stenographer to Foreign Secretary.	50 p. m. ..	Hindu.
	(One) Resident Clerk ..	150 p. m. ..	Anglo-Indian.
	(Two) Night Cypher Assistants.	150 p. m., each ..	Anglo-Indians (both).
	(One) Salvage Clerk* ..	25 p. m. ..	Muslim.
	(One) Fire Clerk*	25 p. m. ..	Anglo-Indian.
RAILWAY DEPARTMENT.	(Three) Assistants-in-Charge, (Establishment, Labour and Finance Branches).	100 p. m., each ..	Two Hindus and one Anglo-Indian.
	(One) Cashier	50 p. m. ..	Hindu.
	(One) Clerk-in-Charge of the Issue Branch.	50 p. m. ..	Hindu.
	(Seven) Stenographers in attendance on Chief Commissioner of Railways, Financial Commissioner, Railways, Members of the Board, Secretary and Director of Finance.	50 p. m., each ..	Five Hindus, one Muslim and one Jain.
FINANCE DEPARTMENT.	(Three) Stenographers attached to Hon'ble Member, Secretary and temporary Additional Secretary.	50 p. m. each ..	Hindu.
	(One) Clerk-in-Charge of Issue Branch.	50 p. m. ..	Hindu.
	(One) Cashier	50 p. m. ..	Hindu.
CENTRAL BOARD OF REVENUE.	(Two) Stenographers attached to Members of the Board.	50 p. m. each ..	One Hindu and one Muslim.
	(One) Clerk-in-Charge of the Issue Branch.	30 p. m. ..	Hindu.
	(One) Cashier	30 p. m. ..	Hindu.
IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH DEPARTMENT.	(One) Stenographer attached to the Vice-Chairman.	50 p. m. ..	Hindu.
	(One) Cashier	50 p. m. ..	Hindu.

* These clerks are changed every summer season and during the winter months the clerk who remains in charge of the office carries on these duties.

Department.	Number and nature of posts carrying special pay.	Amount of special pay attached to the post.	Community to which the holder of the posts belong.
		Rs.	
ARMY DEPARTMENT.	(One) Stenographer ..	50 p. m. ..	Anglo-Indian.
	(One) Cashier	50 p. m. ..	Hindu.
	(One) Assistant	100 p. m. ..	Hindu.
<i>Adjutant-General's Branch.</i>	(One) Cashier	50 p. m. ..	Sikh.
	(One) First Division Assistant for doing the work of shorthand writer.	30 p. m. ..	Hindu.
	(Two) First Division Assistants for doing the work of shorthand writers.	20 p. m., each ..	One European and one Muslim.
<i>General Staff Branch.</i>	(One) Cashier	50 p. m. ..	Hindu.
	(Three) Second Division clerks for doing the work of shorthand writers.	20 p. m., each ..	Two Europeans and one Hindu.
	(Two) Third Division clerks for doing the work of shorthand writers.	20 p. m., each ..	Europeans.
<i>Quartermaster General's Branch.</i>	(One) Cashier	50 p. m. ..	Jain.
	(Two) Second Division clerks for doing the work of shorthand writers.	One 75 p. m. .. Other 50 p. m. ..	Hindu. Sikh.
<i>Master General of Ordnance Branch.</i>	(One) Cashier	50 p. m. ..	Hindu.
	(One) First Division Assistant for doing shorthand writer's work.	30 p. m. ..	Hindu.
	(One) Second Division clerk for doing shorthand writer's work.	20 p. m. ..	Hindu.
	(One) Third Division clerk for doing shorthand writer's work.	20 p. m. ..	Sikh.
<i>Engineer-in-Chief's Branch.</i>	(One) Cashier	50 p. m. ..	Hindu.
	(One) Second Division clerk for doing shorthand writer's work.	30 p. m. ..	Hindu.
<i>Military Secretary's Branch.</i>	(One) Cashier	50 p. m. ..	Hindu.
	(One) First Division Assistant for doing shorthand writer's work.	75 p. m. ..	Hindu.
<i>A. M. S. (P.).</i>	(One) Cashier	50 p. m. ..	Muslim.
	(One) First Division Assistant for doing shorthand writer's work.	75 p. m. ..	European.
<i>Medical Directorates.</i>	(One) Cashier	50 p. m. ..	Hindu.
	(One) First Division Assistant for doing shorthand writer's work.	30 p. m. ..	Hindu.
	(One) Second Division clerk for doing shorthand writer's work.	30 p. m. ..	Muslim.

Department.	Number and nature of posts carrying special pay.	Amount of special pay attached to the post.	Community to which the holder of the posts belong.
ARMY DEPARTMENT—contd.			
<i>J. A. G.'s Office.</i>	(One) Cashier	Rs. 50 p. m. ..	Hindu.
<i>Director of Contracts.</i>	(One) Cashier	50 p. m. ..	Hindu.
<i>A. D. O. S. (P).</i>	(One) Cashier	50 p. m. ..	Sikh.
<i>R. A. F. Headquarters.</i>	(One) Cashier	50 p. m. ..	Hindu.
	(One) 1st Division Assistant for doing shorthand writer's work.	20 p. m. ..	European.
	(Two) 3rd Division clerks for doing shorthand writer's work.	20 p. m., each ..	One Hindu and one Muslim.
	(One) Clerk on regimental rate of pay for doing shorthand writer's work.	20 p. m. ..	European.
DEPARTMENT OF INDUSTRIES AND LABOUR.	(One) Assistant-in-charge ..	50 p. m. ..	Hindu.
<i>Industries Branch</i>	(One) Cashier	50 p. m. ..	Hindu.
	(One) Clerk-in-Charge, R. & L. Section.	30 p. m. ..	Hindu.
	(One) Personal Assistant to the Hon'ble Member.	150 p. m. ..	Hindu.
	(One) Stenographer attached to Secretary.	50 p. m. ..	Hindu.
	(One) Stenographer attached to Joint Secretary.	50 p. m. ..	Anglo-Indian.
<i>Public Works Branch.</i>	(One) Cashier	50 p. m. ..	Hindu.
	(One) Clerk-in-charge, R. & L. Section.	20 p. m. ..	Muslim.
<i>Director of Civil Aviation in India.</i>	(One) Cashier	30 p. m. ..	Hindu.
<i>Director-General, Posts and Telegraphs.</i>	(One) Personal clerk to the Director-General of Posts and Telegraphs.	50 p. m. ..	Anglo-Indian.
	(Seven) Stenographers ..	25 p. m., each ..	One European, five Hindus and one Muslim.
	(One) Head Cashier	50 p. m. ..	Hindu.
	(One) Assistant Cashier ..	25 p. m. ..	Muslim.
<i>Central Printing Office.</i>	(One) Cashier	25 p. m. ..	Hindu.
	(One) Typist doing the duties of a stenographer.	25 p. m. ..	Hindu.
<i>Chief Engineer, Central Public Works Department.</i>	(One) Cashier	50 p. m. ..	Hindu.
	(Eight) Cashiers	20 p. m., each ..	Five Hindus and three Muslims.
	(One) Storekeeper	5 p. m. ..	Muslim.
	(One) Cashier	15 p. m. ..	Hindu.

Department.	Number and nature of posts carrying special pay.	Amount of special pay attached to the post.	Community to which the holder of the posts belong.
		Rs.	
DEPARTMENT OF EDUCATION, HEALTH AND LANDS.	(One, Personal Assistant to Hon'ble Member.	150 p. m. ..	Parsee.
	(Two) Personal Assistants to Secretary and Joint Secretary.	50 p. m., each ..	Hindus.
	(One) Cashier	50 p. m. ..	Hindu.
	(One) Clerk-in-Charge of Issue Section.	50 p. m. ..	Hindu.
<i>Director-General, Indian Medical Service.</i>	(Two) Assistant-in-charge of Section.	50 p. m., each ..	One Hindu and one European.
	(One) Assistant-in-Charge of Section.	20% of his pay subject to a maximum of Rs. 50 p. m.	Hindu.
	(One) Cashier	30 p.m. ..	Hindu.
<i>Director-General of Archaeology in India.</i>	(One) Stenographer	50 p. m. ..	Hindu.
	(One) Librarian	50 p. m. from 1st November to the following 30th April each year.	Hindu.
	(One) Cashier	30 p. m. ..	Muslim.
HOME DEPARTMENT.	(One) Cashier	50 p. m. ..	Hindu.
	(One) Personal Assistant to the Hon'ble Member.	150 p. m. ..	European.
	(One) Clerk-in-charge of the Routine and Issue Section.	50 p. m. ..	Hindu.
	(Two) Stenographers	50 p. m., each ..	Hindus.
	(Two) Resident Clerks	75 p. m., each ..	Anglo-Indians.
<i>Reforms Office.</i>	(One) Cashier	50 p. m. ..	Sikh.
	(Two) Stenographers	50 p. m. each ..	One held by a Muslim and the other is vacant.
<i>Director Intelligence Bureau, Home Department.</i>	(One) Chief Superintendent	100 p. m. ..	Anglo-Indian.
	(One) Assistant	60 p. m. ..	Hindu.
	(One) Stenographer	60 p. m. ..	Hindu.
<i>Public Service Commission.</i>	(One) Assistant-in-charge, Examination Branch.	50 p. m. ..	Hindu.
<i>Military Finance Department.</i>	(Four) Assistants-in-charge	100 p. m., each ..	Hindus.
	(One) Cashier	50 p. m. ..	Hindu.
	(Two) Stenographers	50 p. m., each ..	Hindu.

The Honourable Sir Alan Parsons (Finance Member) : Sir, I lay on the table the information promised in reply to unstarred questions Nos. 210 and 211 asked by Khan Bahadur Haji Wajihuddin on the 23rd March, 1932.

EXCISE REVENUE COLLECTED BY THE LOCAL ADMINISTRATION, AJMER-MERWARA.

210. (i) The annual excise revenue was about seven lakhs of rupees from 1927-28 to 1929-30. It has since been less.

(ii) There are two shops for the sale of country liquor, three for the sale of opium, and three for the sale of drugs in the city of Ajmer itself excluding the suburbs.

(iii) Yes.

(iv) The Government of India contribute approximately half the funds required for the maintenance of the Victoria Hospital in Ajmer, and they have also said that they will consider favourably the question of giving a grant-in-aid to the Municipality to assist it in carrying out a comprehensive sanitation scheme, on receipt of definite proposals and an assurance that the Municipality would be in a position to raise the additional funds required over and above the Government grant. No definite proposals have been received up to the present time.

INCOME AND EXPENDITURE OF THE EXCISE DEPARTMENT, AJMER-MERWARA.

211. (a) The figures are :—

Year.			Receipts.	Expenditure.
			Rs.	Rs.
1927-28	..	..	7,07,673	36,219
1928-29	.	..	7,46,613	36,833
1929-30	.	..	7,12,809	35,854
1930-31	..	..	6,67,568	36,627

(b) As the figures show there has not been a continual increase in the revenue. During the last seven years the number of liquor shops has been reduced from 123 to 109 and the policy of restricting hours of sales is also kept in view.

Mr. P. R. Rau (Financial Commissioner, Railways) : Sir, I lay on the table :

- (i) the information promised in reply to parts (e) and (f) of starred question No. 486 asked by Mr. N. M. Joshi on the 23rd February, 1932 ;
- (ii) the information promised in reply to starred question No. 908 asked by Mr. S. C. Mitra on the 23rd March, 1932 ; and
- (iii) the information promised in reply to starred question No. 392 asked by Mr. Nabakumar Sing Dudhuria on the 16th February, 1932.

REVISED CADRES AND PROMOTION OF SUBORDINATES IN CERTAIN DEPARTMENTS
OF THE GREAT INDIAN PENINSULA RAILWAY.

486. (c) According to the latest report received from the Agent, Great Indian Peninsula Railway, the number of vacancies as on 1st August, 1932 was :—

Transportation (Power) and Mechanical Engineering	..	Excess of 2.
Transportation (Traffic) and Commercial	..	.. 13 vacancies.
Civil Engineering	..	.. 8 vacancies.

(f) The total number of subordinates officiating in all Departments on 1st August, 1932, was 23.

RECALL OF A PROVISION PASS PREVIOUSLY IN POSSESSION OF THE SUB-
DIVISIONAL OFFICER, NORTH-WESTERN RAILWAY.

908. (a) and (b). I am informed that in order to prevent the possibility of abuse of provision passes which are issued for the benefit of staff stationed at places in which they are unable to obtain their ordinary common provisions it is the practice on the North-Western Railway for a supply centre to be fixed for each station which, owing to the difference in needs is not necessarily the same for Europeans as for Indians. A provision pass to the Sub-Divisional Officer, North-Western Railway, Sargodha, was originally issued in 1930 to Lahore by mistake as the supply centres for the staff at Sargodha were then Jhelum for Europeans and Sargodha itself for Indians. The pass was taken away from Mr. Vasudevan's predecessor when the mistake was discovered. Mr. Vasudevan's request was under correspondence for some time, and it was finally decided that there was no objection to the issue of provision passes to Indian officers to centres of supply fixed for Europeans.

(c) I am informed that this was not the case.

ADVERTISING OF THE MAGH MELA OF ALLAHABAD.

392. (a) Yes : by the exhibition of vernacular posters and the distribution of handbills in Hindi and Bengali in areas likely to produce traffic. This was arranged through station masters, District Boards, Managers of the Jute Mills, Tea estates and collieries, and the prayagwals of Allahabad and their agents.

(b) Rs. 288.

(c) The total outlay for additional works and staff was Rs. 8,000.

(d) (e). It is not practicable to assess the results of such publicity propaganda, but I might add that the earnings amount to about 2½ lakhs.

(f) Yes.

Mr. T. Ryan (Director-General of Posts and Telegraphs) : Sir, I lay on the table the information promised in reply to parts (a) and (b) of starred question No. 705 asked by Seth Haji Abdoola Haroon on the 22nd September, 1931.

NUMBER OF MUSLIM CLERKS, ETC., IN CERTAIN POSTAL CIRCLES.

Names of Postal Circles and Post Offices.		(a) Total number of officials on 31st March, 1931.										(b) *Total number of approved candidates entertained for the undermentioned cadres.																																		
		(1) Officials in the selection grade.					(2) Clerks.					(3) R. M. S. Sorters.					(4) Postmen.					(5) Inferior servants.					During 1929-30.										During 1930-31.									
		Muslims.		Non-Muslims.		Muslims.		Non-Muslims.		Muslims.		Non-Muslims.		Muslims.		Non-Muslims.		Muslims.		Non-Muslims.		Muslims.		Non-Muslims.		Muslims.		Non-Muslims.		Muslims.		Non-Muslims.		Muslims.		Non-Muslims.										
GRACES.																																														
1. Bengal and Assam		14	356	744	4,303	87	693	1,538	4,736	1,650	4,931	65	163	11	54	230	517	94	228	44	89	18	32	198	361	100	191	100	191	100	191	100	191	100	191											
2. Bihar and Orissa		12	119	323	1,514	51	359	376	1,452	322	2,568	19	27	5	18	18	70	39	365	17	29	5	7	22	46	95	348	95	348	95	348	95	348	95	348											
3. Bombay		21	340	185	3,475	37	643	835	4,386	504	3,102	13	32	12	49	10	7	34	143	32	103	3	10	11	73	114	397	114	397	114	397	114	397	114	397											
4. Central Provinces		22	123	339	1,279	131	848	4	1,653	396	2,438	31	32	7	10	14	48	74	123	32	35	9	14	13	45	67	119	67	119	67	119	67	119	67	119											
5. Madras		13	274	280	3,390	88	735	731	4,218	391	3,498	22	162	5	29	36	212	80	338	38	147	8	39	27	124	49	242	49	242	49	242	49	242	49	242											
6. Punjab and N. W. F.		81	230	1,258	2,016	206	646	2,328	1,392	2,145	1,797	62	165	14	35	192	138	163	176	35	84	4	7	150	116	188	174	188	174	188	174	188	174	188	174											
7. Sind and Baluchistan		15	43	177	140	32	76	227	288	109	213	12	72	2	13	32	41	44	36	21	54	7	15	36	34	41	39	41	39	41	39	41	39	41	39											
8. United Provinces		41	200	581	2,168	183	546	194	1,740	397	1,645	21	81	3	13	32	41	113	299	9	17	7	15	36	34	120	267	120	267	120	267	120	267	120	267											
POST OFFICES.																																														
Calcutta		3	104	134	1,559	..	..	349	798	105	697	15	36	..	..	8	37	8	59	2	13	..	..	8	27	3	39	3	39	3	39	3	39	3	39					
Patna		1	1	9	30	..	..	2	28	1	14	2	5	..	..	..	..	7	14	1	4	..	..	..	3	8	3	8	3	8	3	8	3	8			
Bombay		7	116	53	1,201	..	..	110	1,014	106	872	..	..	..	..	..	..	5	6	32	1	..	..	10	35	30	209	30	209	30	209	30	209	30	209	
Nagpur		..	6	14	72	..	..	23	70	6	44	3	1	..	..	..	..	..	..	6	6	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Madras		1	24	6	265	..	..	7	141	3	80	1	6	..	..	6	82	17	58	9	27	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Lahore		5	13	80	158	..	..	140	81	61	61	3	8	..	..	..	..	3	4	2	14	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Delhi		4	12	55	144	..	..	108	88	29	76	15	15	..	..	7	9	21	24	..	5	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Karschi		2	15	40	148	..	..	31	112	20	81	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Lucknow		..	2	8	102	..	..	22	121	21	53	..	..	..	..	..	..	7	20	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

*NOTE.—The figures under (b) represent the number of approved candidates entertained for the cadres, as asked for by the Hon'ble Member, and not the number of men actually appointed to the cadres. Approved candidates are not entertained for the Selection Grades.

THE CRIMINAL LAW AMENDMENT BILL.

The Honourable Mr. H. G. Haig (Home Member) : Sir, I move for leave to introduce a Bill to supplement the Criminal Law.

The motion was adopted.

The Honourable Mr. H. G. Haig : Sir, I introduce the Bill.

THE BENGAL SUPPRESSION OF TERRORIST OUTRAGES (SUPPLEMENTARY) BILL.

The Honourable Mr. H. G. Haig (Home Member) : Sir, I move for leave to introduce a Bill to supplement the Bengal Suppression of Terrorists Outrages Act, 1932.

The motion was adopted.

The Honourable Mr. H. G. Haig : Sir, I introduce the Bill.

THE TRADE DISPUTES (AMENDMENT) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I move :

“ That the Bill to amend the Trade Disputes Act, 1929, for certain purposes, be taken into consideration.”

As Honourable Members are doubtless aware, the Trade Disputes Act of 1929 is a temporary measure which expires in 1934. The Royal Commission on Labour was of the opinion that some statutory machinery will be permanently required to deal with trade disputes and that it will be necessary to consider the form which that machinery is to take before the Act expires in the first half of 1934. They held, however, that, in spite of the fact that the Act is only a temporary measure, there was one section which needed amendment, and if the House will bear with me, I will read the paragraph in which they deal with their proposal. They say :

“ Section 13 is designed to prevent the disclosure by members of Courts or Boards of confidential information relating to trade unions or individual businesses. The main part of the section follows generally the British Act, but to this are appended provisions rendering any member of a Court or Board liable to prosecution at the instance of the person aggrieved by a wrongful disclosure. The members do not receive the protection against criminal prosecution ordinarily granted to public servants in respect of acts done in the execution of their duties, nor is it necessary for the prosecution to show that the disclosure was wilful or to prove that any injury has been done. Moreover no protection appears to be granted against a civil suit. We are inclined to doubt if a criminal prosecution is at all appropriate, at any rate in connection with a disclosure in an official report. It would perhaps be sufficient in a temporary Act of this kind to provide that no prosecution or suit should be maintainable on account of any breach of the section or any damage caused thereby, except with the previous sanction of the Government which appointed the tribunal.”

Well, Sir, the Bill before the House seeks to give effect to the recommendation of the Royal Commission, a recommendation, which I should add, was supported by the recent Railway Court of Inquiry. The Bill provides that there should be a definite request by the persons tendering information to a Court or Board of Inquiry that the information so tendered should be kept confidential. It also provides that the disclosure must be wilful and it further provides that no prosecution or suit shall be maintainable on account of such disclosure except with the previous sanction of the authority which appointed the tribunal.

[Sir Frank Noyce.]

This, Sir, is a very simple Bill. It provides against the unnecessary harassment of those who undertake the often very difficult and irksome work connected with Courts of Inquiry. I am sure, the House will agree that this is desirable. Sir, I move :

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Motion moved :

“ That the Bill to amend the Trade Disputes Act, 1929, for certain purposes, be taken into consideration.”

The motion was adopted.

Clauses 2 and 1 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Frank Noyce : Sir, I move that the Bill be passed.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Motion moved :

“ That the Bill be passed.”

Mr. N. M. Joshi (Nominated Non-Official) : Sir, before this Bill is passed, I should like to make one or two remarks on this subject. The Government of India are introducing this Bill in order to amend the Trade Disputes Act. The amendment has my hearty approval. At the same time, I should like to ask the Government of India what they propose to do as regards the other important amendment recommended by the Royal Commission on Indian Labour. The Honourable Member in charge of the Bill stated that the Trade Disputes Act is a temporary measure. I know this fact and I also know that the Act will come in for revision after two years. At the same time, the Royal Commission on Indian Labour recommended that in particular instances, the Government of India should take early steps to amend the law and that particular instance is as regards the position of the employees of the public utility services. The Royal Commission came to the conclusion that the Trade Disputes Act put the employees of the public utility services at a disadvantage. The Act provided that in the case of employees of the public utility services, they should not go on strike without giving notice. Now, this provision does not apply to other employees in other industrial concerns and they impose a special disability on the employees of the public utility services. The Royal Commission on Indian Labour came to the conclusion that if a special disability is to be imposed upon the employees of the public utility services, they should be given an advantage in some other way and that advantage is that some machinery should be provided for a compulsory enquiry into their grievances. This is the recommendation of the Royal Commission on that subject :

“ In our view the weakest point of the Indian provision is that while it restricts the powers of the workers in public utility services to coerce their employers it gives in return no assurance that their grievances will receive a hearing. We have made elsewhere proposals to alter the position of railway workers in this respect. With regard to the other classes to whom the section applies, we think the question of providing means for the impartial examination of disputes should have early consideration.”

Sir, the report of the Royal Commission was published last year and it is now more than a year. I want to know whether the Government of India have given consideration to this subject. I also want to know from the Government of India what they have done as regards the position of the railway employees in this matter. The Royal Commission has made certain recommendations for an enquiry into the grievances of the railway workers. I have not yet seen or heard that the Railway Board or the Government of India have accepted the recommendations of the Royal Commission and if they have not yet accepted, I want to know why the delay is being caused. Mr. President, with these remarks I support the passing of this Bill.

Mr. A. G. Clow (Government of India : Nominated Official) : I should just like, Sir, to say a few words in reply to what has fallen from my Honourable friend, Mr. Joshi. The recommendations of the Royal Commission in respect of the Trade Disputes Act were, as I read them, divided into two classes. They mention in the first instance the fact that the Act will expire in the spring of 1934 and they, therefore, state that "the best service we can render is to refer to some of the views expressed to us. . . . and to offer comment on a few of the outstanding questions which arise. By so doing, we may be able to stimulate thought on these questions in advance of the time that it will be necessary to make a decision". Their comments on the position of the public utility services fall in my view within that category.

Mr. N. M. Joshi : No, they ask for early consideration.

Mr. A. G. Clow : They asked for early consideration, but the question with which we are dealing is the only one on which they thought an immediate amendment was necessary. Mr. Joshi is as much entitled as I to his view of what the Royal Commission intended, but I think the House will find it a little difficult to read into the report a belief that they contemplated three separate measures, first a measure such as my Honourable friend in charge of the Bill has introduced, secondly a measure to deal with the public utility services and finally a measure which, if we are to have any legislation of this kind after 1934, must be introduced before 1934 to deal permanently with the question of trade disputes.

As regards the question of the action taken on railways, I confess that I was not clear as to which precise recommendation my Honourable friend was referring to, but it was not, so far as I could gather, a recommendation relating to legislation at all. As the Honourable the Mover has already mentioned, the present Bill arises to some extent out of an enquiry which was made into certain matters relating to railways.

Mr. N. M. Joshi : May I ask what the Government of India propose to do as regards the railway employees ? I am not thinking of legislation, but I am thinking of executive action.

Mr. A. G. Clow : I am not clear as to what the Honourable Member is referring to. But I submit to you, Sir, that it does not arise out of the present Bill which is a Bill relating to legislation for the settlement of trade disputes.

The Honourable Sir Frank Noyce : Sir, I have very little to add to what my Honourable friend has just said in this connection. I would only inform my Honourable friend, Mr. Joshi, that we shall take up the general question at a very early date in order to be ready with our

[Sir Frank Noyce.]

main legislation for the establishment of some permanent machinery for the settlement of trade disputes. With that assurance, I trust he will be content.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is that the Bill be passed.

The motion was adopted.

THE INDIAN RAILWAYS (AMENDMENT) BILL.

The Honourable Sir C. P. Ramaswami Aiyar (Member for Commerce and Railways) : Sir, I beg to move :

“ That the Bill to amend the Indian Railways Act, 1890, for a certain purpose, be taken into consideration.”

I may at once say that I have noticed that there are amendments standing in the names of two Honourable Members that this Bill be circulated for the purpose of eliciting opinion. I may also add that after consideration we have arrived at the conclusion that there are reasons why this Bill should be circulated for the purpose of eliciting opinion. At the present moment the Government of India have initiated an inquiry to be undertaken by the Road Engineer of the Government of India in conjunction with an officer representing the Railway Board to ascertain what steps should be taken to effect a co-ordination of road development with the Railways. The two officers have been instructed to visit every province, to consult the Local Governments and Railway Administrations and have been asked to draw up a report by the middle of November. Moreover, I have myself seen many valuable suggestions and criticisms as to the right policy to be adopted with regard to this co-ordination of railway and motor traffic. There are undoubtedly two sides to the question and Government realise that opinion is not unanimous or uniform. In these circumstances Government have come to the conclusion that opinion should be collected before they proceed further with this Bill. I am therefore in a position to assure Honourable Members that I shall be prepared to accept the motion for circulation.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I move :

“ That the Bill be circulated for the purpose of eliciting opinion thereon ”.

I want to give my views on this question for the reason that Government may be able to judge my arguments when they discuss the opinions which they will receive. Sir, the Bill under discussion proposes to provide and maintain any means of transport for the conveyance of passengers, animals or goods in any area to which access is afforded by the railways. In the Statement of Objects and Reasons, it is said :

“ It is proposed, therefore, by amending sub-section (e) of section 51 of the Act, to make it clear that the railway companies referred to in section 51 may own and operate unconditionally road motor services for the carriage of traffic in areas served by their railways ”.

Again, it is said :

“ It is, however, the smaller railways whose revenues have been seriously affected by the development of motor competition, who are in need of power to run such services ”.

You will find, Sir, that on previous occasions also it has been said that the main causes of the deficit in the railway budget are the development and increasing competition of the buses with the Railways. I want to make it absolutely clear that the motor competition is not so much responsible for the deficit in Railway earnings and, if this competition is responsible for it to a limited extent, then it is very difficult for the Railways to successfully compete with the buses. In saying that the deficit was not caused by this competition, I want to submit that it was due firstly to the capital expenditure ; secondly, the deficit was due to the top-heavy administration ; and, thirdly, it was due to the fact that the advice and opinions of the Members of this House were not given any heed to.

At the same time, Sir, the owners of buses run their buses in a very economical and businesslike manner, while the Railway Companies will require the services of a very large staff to supervise their working. They are sure to require a booking clerk, a ticket examiner on each bus, and so on. This means that their expenses will naturally go up and their administration will become very expensive, while, on the other hand, private buses run without any booking clerk or a checker, and the driver of the bus performs all the necessary duties. So, Sir, in my opinion, it will not be of any use for the Railway Board to adopt this measure. However, I am thankful to the Honourable Member in charge for his readiness to circulate the Bill and, therefore, without going into details, I move that the Bill be circulated for opinion.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Will the Honourable Member specify a date within which opinion should be obtained ?

The Honourable Sir C. P. Ramaswami Aiyar : I suggest the 2nd January.

Mr. M. Maswood Ahmad : I am agreeable to that date.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I am very grateful to the Honourable Member for Railways for anticipating our wishes on this side of the House and agreeing to circulate this Bill for eliciting public opinion. Sir, when I read the Statement of Objects and Reasons I was astounded. Only a few minutes ago I put a few supplementary questions to the Honourable the Railway Member as to why is it that the Federation of Indian Chambers and the various Indian Merchants' Chambers are treated in a step-motherly fashion by the Government of India. The reply is given here in this Statement of Objects and Reasons. It seems the Associated Chambers of Commerce of India and Ceylon sometimes thought of a good business bargain and addressed the Government of India. Whether they want to sell more petrol or more motor cars I do not know. I think it is both ; that is, they want to sell more motor cars as well as more petrol. They write to the Government of India, and the Government of India without consulting the interests of the Indian merchants who have a definite and very much larger stake in the country patronise the Associated Chambers of Commerce and proceed to amend the Railway Act. Sir, I do not know whether the railways will profit ; I will discuss later on how far the railways will benefit or lose. But I want again to point out to the Government the inequity and the injustice which they show from time to time to the Indian Merchants' Chambers. I refer to the Communal

[Mr. B. Das.]

Award which was issued by the Prime Minister with the concurrence of the Governor General in Council ; and what do we find ? The seats that have been allotted to the Indian Chambers of Commerce are very disproportionate. In Madras the European industries get 4 seats and the Indian industries get only 2 seats ; in Bengal the Indian merchants get only 5 seats while the European Chambers get 14 seats ; in the United Provinces 2 seats go to the Europeans while only one goes to Indians.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Which clause of the Bill is the Honourable Member talking about ?

Mr. B. Das : I am talking on the general principles involved in the Bill and my friend, Sir Cowasji Jehangir, who was an Executive Councillor in Bombay, knows that one can talk on general principles when one discusses a Bill.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : How do these remarks arise on a general consideration of the Bill ?

Mr. B. Das : It arises out of the Statement of Objects and Reasons, because Government are influenced by the Associated Chambers of Commerce and not by the Indian Chambers.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member can deal with the subject in a general way within the limits of the Bill.

Mr. B. Das : Yes, Sir. I find that in Assam, the European merchants get 8 seats while the Indian merchants get only 3 seats, and, in Bombay, without Sind, the Europeans will get 4 seats and the Indians 3 only. Sir, when my Honourable friend, Sir Cowasji Jehangir, who is an industrial magnate in Bombay, read the Communal Award and found that his own industrial community has been relegated to a secondary position, he must have burnt with rage. The only thing is that he is a pacific man and he does not lose his temper ; he controls himself. But I cannot control myself. I was going to tell the Honourable the Commerce Member that this step-motherly attitude of the Honourable the Commerce Member and of the Government of India is the root cause of all the troubles in India.

Now I will deal with the merits of the Bill. It is true, in England where there is a national Government and where the railways are national, they have established a Road Board and they have accepted the principle that the railways should run motor buses. Newspapers gave out that the Government of India recently appointed a committee of inquiry, that Mr. Mitchell, the Roads Engineer, and a representative of the Railway Board, should inquire into this aspect of the question. The Honourable the Commerce Member has not said anything about....

The Honourable Sir C. P. Ramaswami Aiyar : I did ; my Honourable friend was not here when I pointed out what that committee had to do.

Mr. B. Das : I am glad my Honourable friend pointed out ; but mere pointing out will not do. Those results must be published and circulated to the different Chambers of Commerce.

The Honourable Sir C. P. Ramaswami Aiyar : That is also what I said.

Mr. B. Das : Then, I think my Honourable friend, Sir Lancelot Graham, advised him wrongly when he asked that this Bill should be passed ; the draftsman of the Government of India went wrong when he advised that. The only thing is that there are certain points which not only the Chambers of Commerce should take note of, but also Provincial Governments should take note of. The Honourable the Commerce Member knows it—as being the Leader of the House—how the policy of the Government of India is to starve the provinces. To-day if this House permitted the railways to run motor buses, the roads will have greater wear and tear. Will the Government subsidise the Provincial Governments to have better roads ? I think my Honourable friend, the Finance Member, will come down on the Commerce Member and will say “ No more money ; no subsidy to the provinces ; let the provinces go to hell as there is no money in the Central Government for better roads ”. That is one aspect of the point that must be taken note of.

The other aspect is this : As my Honourable friend, Mr. Maswood Ahmad, alluded, various private firms have come out with cheap means of transport carrying passengers at a very cheap rate. Will the railways do that ? They will start cut-throat competition ; they may be State-owned ; when they are Company-managed, they are owned by British capitalists and they will imitate my Honourable friend, Sir Leslie Hudson, there and enter into cut-throat competition on the example of the shipping companies and they will start cutting rates in order to drive out all these small Indian motor bus companies ; and what will be the result ? Lakhs and lakhs and even crores of rupees have been sunk on these motor buses and these Indian motor bus companies will go to the wall ; and will the railways be able to administer and finance them ? All of us know what the present state of the Railway Finance is. It is in a very bad state and to-day if this House were to authorise the railways to start on a new venture to buy motor buses, what will they do ? They will buy the costliest makes ; probably they will order a firm like the Rolls Royce to supply them with Chassis so that when the Honourable the Commerce Member or the Honourable the Finance Member travel on those buses, there may be no jolting. We know the tradition of the Railway Board. It is an extravagant body ; and when the Railway Retrenchment Committee, presided over by my Honourable friend, Mr. Shanmukham Chetty, have recommended that the mismanagement of railways is so bad that an expert committee is necessary to sit and inquire into the technical management of railways here, my Honourable friend actually brings out a Bill and asks us to give sanction, so that the railways could go into new ventures. I am glad the Honourable the Commerce Member has anticipated our criticism to a certain extent. I have to request him also to ascertain the views of every Provincial Government as to the additional cost of road maintenance, and also from his colleague, the Finance Member, whether he will, if the railways adopt this policy, give the necessary amount of money for the better upkeep of roads which are mostly provincial. If those conditions are satisfied, when the Bill comes again for discussion in the House, I may consider whether I can give assent to such an Act.

Mr. W. B. Hossack (Bombay : European) : Sir, I rise to support the motion which proposes to circulate this Bill for further opinion.

[Mr. W. B. Hossack.]

Whilst gladly accepting the principle of the Bill, its only clause of any import seems to have been rather hurriedly drafted or, what is perhaps more likely, with intent to arouse discussion on the scope of application to be permitted, under the Bill. Now, there should be nothing to prevent railways operating road buses as feeders to their systems. Where no efficient or adequate road motor service system exists connecting railway stations with villages in the interior, this would be a legitimate rail borne extension. But there is such a thing as legitimate road borne traffic as some Honourable Members have already pointed out. For example, take a produce market, say, nine or ten miles from a town, the road thereto running parallel to the railway. This would be legitimate road borne traffic because you cannot expect this to be transported from the farm to the railhead in the first case, taken by the railway into the town, and then transported again by road to the market. It is much cheaper and much more convenient to take this by road. We find in the Statement of Objects and Reasons the words "running parallel to its railway line". Those words rather perturb me. Beyond a certain mileage traffic on roads parallel to railways naturally belongs to the railways; but as I have already pointed out this short distance parallel road traffic should not be driven back to the railways on any account whatsoever. The danger here lies in the fact that the railways may start competing with this short distance traffic and ultimately drive them off the road, and if successful in driving them off may in turn withdraw their road services and force the public back to the railways.

With such danger ahead, I feel that the one real clause of this Bill requires considerable enlargement to cover this point and a clearer definition must certainly be made of the word 'area'.

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhamādan) : Sir, with regard to the circulation of this Bill, I do not think much need be said, except that the report of the Committee which has been appointed by the Government of India to inquire into the co-ordination of the railways with road traffic should be awaited and that this subject should be brought up after the report of that Committee is placed before the House, so that, in this case, a date need not be fixed and it may be left to the discretion of the Government of India to fix a suitable date after that report is received.

The Honourable Sir C. P. Ramaswami Aiyar : I may at once assure the Honourable Member that the report will be published about the end of November, if not before.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I would not have troubled the House, but I should like to know one particular thing. What would be the position of the buses to be run by the Railways as compared with the position of the private owned buses which are now plying? Of course, the railway buses will compete with private buses, but that competition ought to be on fair and equitable lines. I should like to know what would be the legal position of these buses, so far as their liabilities are concerned, whether they will be governed by the Railway Act or by the Carriers'

Act. The buses that run on the public roads are governed by the Indian Carriers' Act, and as such the Government know that the position of the public buses is practically that of an insurer. I should like to know something about the legal position of these buses, and that point should be brought before the public.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, the object of this Bill is that the Government or the Railway Department desire to get power to extend their business and not only carry passengers and goods by rail, but also by means of other vehicles. The term 'vehicles' is not defined in the Bill, and it may include motor service ; it may possibly include steam service, and it may be extended even to aeroplane services. This is a question of principle that is the extension of this business. Sir, everyone, who is engaged in business, would realise that no losing concern would ever care to consider even for a single moment new propositions for extension of business. My proposition is that our Railway is a losing concern, and this is not a proper time even to think of extending the business. With regard to my statement that our Railway is a losing concern, I may remind the Honourable Member for Railways that he has borrowed money at an average rate of 5.7 per cent. while his earning from Railways is only 4.6 per cent. May I also remind him that he has to pay 34 crores of rupees in interest for the capital he has borrowed, and that he is so much in debt that he could not pay the one per cent. to the general revenues according to the convention of 1924. As a member of the Standing Finance Committee, Sir, I think I can certainly haul up the Honourable Member before any court for the non-payment of that debt, and for failure to fulfil the promise which he made in 1924 to this Assembly for paying 1 per cent. of the capital at charge, and it comes to about 5.75 crores.....

The Honourable Sir C. P. Ramaswami Aiyar : When the case comes in court, I shall be a counsel.

Dr. Ziauddin Ahmad : Thank you ; but unfortunately, the Government, by their own majority, obtained the consent of the Assembly that this sum should be written off.

Mr. B. Das : As a Member of the Railway Retrenchment Committee, why did you not point it out ?

Dr. Ziauddin Ahmad : I drew their attention to this fact. I may also remind the House that two years ago, the Railway Department had a balance of 15 crores in their Reserve Fund and about 15½ crores in the Depreciation Fund. During the last two years, the whole of their Reserve Fund has gone. They are now drawing from their Depreciation Fund, and we were asked by supplementary grants to give them money to meet the ordinary deficits in the running expenses of the Railway Department.

Sir, may I also remind the Honourable the Commerce Member that the administration of this Department is not a profitable one. During the last seven years we spent 165 crores of rupees in capital expenditure. Out of these, 113 crores were spent in undertakings which yield no revenue whatsoever, like the railway stations at Lucknow and Cawnpore, and 42 crores were spent in undertakings which yield an

[Dr. Ziauddin Ahmad.]

income of only one per cent. The Honourable Sir Alan Parsons, in reply to a question of mine, gave me a pious hope that in future these undertakings will probably yield a better income, but this is only a pious hope, and when the railway lines, which have been running for a very long time, do not yield more than 4.6 per cent. how is it possible for the lines which were built only recently to show an increase from one per cent. to any appreciable figure? Therefore, Sir, I want to point out that the Railway Department is a losing concern. They owe money right and left; they find it exceedingly difficult to meet their liabilities, and so this is not the right time for them to think of extending their business in any direction.

Sir, the second point which I want to point out is that all schemes which they have brought forward during the last few years have been failures, and I can give the House illustrations after illustrations. I would draw the attention of the House to the question of the separation of accounts from audit. The Assembly was made to believe that this would be a paying concern. Figures were quoted and Resolutions were passed to the effect that it will pay in the long run to separate the accounts from audit. Mr. Aney, in 1928, and my friend, Mr. Neogy, pointed out that such an experiment was an extravagance, but at that time it was supported by Mr. Chetty, though I am glad that Mr. Chetty has modified his opinion, and, as President of the Railway Retrenchment Committee, he himself said this :

“Consequently we cannot escape the conclusion that the optimism of the framers of the estimates of the final results of the separation when they expected a saving in direct costs of the Accounts and Audit Department has been far from being justified.....”

We find that the cost of Accounts and Audit Department in 1926-27 was 8.58 lakhs, and it jumped up in four years from 8.58 lakhs to 19.80 lakhs, that is, about 2½ times the expenditure. Therefore, the scheme which they presented before us about the separation proved to be a failure.

I will now give a second illustration about the scheme of the Railway Mining Colliery. I ask the Honourable Member to tell me whether it is or it is not a paying concern. I have been repeatedly demanding that the balance sheet of this work ought to be laid before the House and before the Railway Finance Committee, but I have never seen any balance sheet of this undertaking, and I do not think whether the Railway Board themselves know whether it is a paying concern or not. The income and expenditure are mixed up with the income and expenditure of the whole budget, and no separate accounts are shown, and, I am afraid, if they start this motor service, it may not be a paying concern, but they will mix it up with the general income and expenditure and will never say whether it has been profitable or not. Sir, in this case they will incur capital expenditure and then they will call for tenders. Probably we shall have an opportunity of discussing the question for tenders later on in this House. I have got illustrations after illustrations—I do not wish to waste the time of the House by going through them to-day—in which people offering better terms and persons of approved ability

1 P.M.

and of approved experience were not given the contracts and they were given to persons who demanded higher rates and who had never been tried, for reasons which I should not like to mention but as to which, everybody can draw his own inference. I have drawn the attention of the Railway Board to those illustrations. I pointed out to them the facts and figures, I was referred to one particular individual, and I referred these questions to him, but he did not listen to them. These matters will come in the shape of questions in the Assembly as, I understand, Bhai Parina Nand has already given notice of some of these questions in connection with certain contracts.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : In view of the fact that the Bill is going to be circulated, I should like to ask the Honourable Member whether it is desirable that he should go so elaborately into details.

Dr. Ziauddin Ahmad : I do not want to enter at this stage into any elaborate discussion, but I have got several illustrations, and I gave only one, and I now take up another point now.

If the Railway Board started a motor service, they would enter at once into what is called the rate-war. They have got bitter experience of it in 1891-92 when they had to face rate-war, and, I am afraid, that as soon as they start this motor service, the rate-war will again begin. In disgust they will give up their motors, their steam ships and their aeroplanes to some person for nothing as they did in 1891-92 and all the capital that will be spent in purchasing these articles will practically be wasted. Therefore, I would request the Honourable Member to point out to all the persons who will be asked to give their opinions, when the Bill is circulated, that the railways are a losing concern at present, and point out also the results of their various undertakings during the last few years.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly : Non-Muhammadian Rural) : I have got only one observation to make regarding the Bill under discussion, in addition to what has fallen from previous speakers. I find in the Statement of Objects and Reasons that smaller lines have been put to a great loss and it is to supplement their income that the Bill is brought forward in order to enable them to make more money. Now, I am not aware if the Honourable the Commerce Member has taken the trouble to compare the time tables prepared by these smaller railways in the south of India. In the course of my peregrinations in the south Indian villages it has been my misfortune to travel over these smaller railways and what has happened is this. As if to spite you, as if to spite the passengers, one train comes and, before it stops, another train gets away passing your train, and you cannot get another train for the next three or four hours. What these motor companies did say, was this, "All right, we shall take advantage of this". They buy a small bus—a Ford bus or anything like that—and they carry passengers to another junction where the train will stop, and thus enable passengers to catch the other train and go on to their destination. I do not know why they do it. If you take any Branch Railway line down in

[Raja Bahadur G. Krishnamachariar.]

south India, it looks as if somebody took particular care not to bring one train to join the other and enable passengers to get into it. We want to get to our destination somehow but the Railway Company won't allow us to do it. You write a complaint—there is a printed form saying that complaints will be attended to. No further reply comes. How it has been attended to, no one knows. You write a letter again. You are supposed to be troublesome and the thing is never attended to. Consequently, I would suggest that the timings of the trains should be so made that one train may catch another, and I assure the Honourable Member that, in that case, in out of the way villages buses will cease to run. As regards rate-war, observations have already been made and I do not want to add to them at this stage.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : When my Honourable friend, the Raja Bahadur, was speaking, I was reminded of similar speeches which I had read in the official proceedings of the House of Lords and the House of Commons, when they had to deal with the Railway Companies' (Road Transport) Act of 1928, by which Act, for the first time, four of the British Railways were given what are called "road powers", that is to say, authority to own and run their own bus services. Complaints of the nature which have come from my Honourable friend, the Raja Bahadur, were freely given expression to in those debates, and, I dare say, that if a similar line were to be permitted at this late hour in this House, very many of us could relate our own personal experiences which would give support to the point of view put forward by the Honourable gentleman. There is a good deal of truth in what the Honourable gentleman has said, because I personally have also felt on occasions that the railway official—the average railway official—thinks that he is conferring a great favour upon the travelling public by allowing them to travel by the railways. Now, Sir, I am sure, this feeling is shared by a very large number of non-official Members on this side. I would particularly ask the Honourable Member in charge to look into these grievances and find out as to whether it is not due to certain latches of the railways themselves in the past that they are faced with this road competition to a very large extent—it may not be that road competition would not have come even if the railways were quite up to the mark, but still there is a good deal of truth in what the Raja Bahadur has said, and if the railways were a little more circumspect and a little more careful about the comforts of the passengers and their conveniences, the serious situation that has arisen would not perhaps have arisen.

Now, Sir, I have a good deal of sympathy with the observations made by the Honourable Member who spoke on behalf of the European Group when he said that this Bill reveals marks of having been rather hurriedly drafted.—I do not wish to use a harsher expression, but the words "perfunctorily drafted" were almost coming to my lips. Hardly a day passes when we are not reminded of the very distinguished qualities possessed by the Honourable Member in charge as a public man, as an administrator, and as what not. (*An Honourable Member* : "A lawyer.").. and I must give expression to a sense of disappointment at the manner, the perfunctory manner, in which this Bill has been drafted. I should have expected my Honourable friend, a keen and competent lawyer that he is

of very wide reputation, that he should have hesitated before putting his signature to this Statement of Objects and Reasons. (*Mr. B. Das* : "Blame the Draftsman.")

Sir, this is a very short and simple Bill, at least it looks to be a very simple one, and my complaint is exactly on that score. It seems to me that the ordinance mentality is pervading all the various Departments of the Government (Cheers from the Nationalist Benches) and the measures of legislation that are at present being drafted bear that out. They must be very short, they must be very comprehensive, they must give unconditional powers—"unconditional" is the expression that has been used, I find, in the Statement of Objects and Reasons, which says :

"...that the railway companies referred to in section 51 may own and operate unconditionally road motor services..."

That is the object of this particular measure.

Now, Sir, I have not got the English Act—the Railway Companies' (Road Transport) Act of 1928—because it is technically classed as a "private" legislation and, therefore, it does not find a place in the collection of public Statutes which are to be found in our Library downstairs. I dare say, my Honourable friend has got a copy with him even now. Will he kindly look at that particular Act and tell me how many sections that particular measure contains? Is it not replete with safeguards, with exceptions, with provisions for inquiry, with provisions for complaints with regard to rates and fares and all sorts of things, and will the Honourable Member get up in his seat and tell me as to why is it that all these provisions were overlooked by him and his Department when this particular Bill was drafted? I am fully prepared to go into all the details of the provisions of that measure, as far as I could find them from the debates of the House of Lords and the House of Commons, but I do not think it will be very much appreciated at this hour.

Mr. B. Das : The Law Member is not here to appreciate your points.

Mr. K. C. Neogy : There was a Joint Parliamentary Committee appointed to examine the provisions of that Bill which was originally initiated in the interests of the L. M. S. Railway in England and the Joint Parliamentary Committee sat for no less than 37 days in taking evidence of all the parties concerned before they reported in favour of that measure. Now, I want my Honourable friend to tell the House as to what corresponding opportunity the Government propose to give to the interests concerned in placing their views before this House. We have been assured that two officers have been told off on this particular duty. They are touring all over India, conferring with Local Governments, but I want to be assured that the interests that will be affected by this measure will have as ample an opportunity as they had in the case of the English Statute.

Now, Sir, I do not want to go into the details of the English Statute at all, but I would just point out one particular fact. The apprehension, which was in the minds of British legislators when this particular measure was under consideration, was that if two rival methods of transport were to be united under one control, it might lead to the creation of a very powerful monopoly; and, in disposing of that apprehension, apart from

[Mr. K. C. Neogy.]

providing safeguards and exceptions of all kinds and provisions for inquiry and other restrictions, there is one particular factor which was borne in mind by the British Parliament. The evidence, which the Joint Parliamentary Committee had collected, showed that there was a very large system of omnibus services throughout the country, a system almost as large as the system of the Railway Companies, with very powerful financial and other interests linked together and they came to the conclusion that, in view of this particular circumstance, it would be extremely improbable that such a powerful organisation of the omnibus services in England could be displaced without a fight. Now, I want my Honourable friend to tell this House as to whether that particular condition is satisfied in this country. Those of us who have to travel between Kalka and Simla will be able to bear me out when I say that in many instances it is the owner who is also the driver. The owner-driver puts on a solitary bus on the road. Does my Honourable friend think that such a person would be in a position to fight the powerful interests of a Railway Company? Now, that is a very serious aspect of the matter and I very much hope that this question will be gone into when the Bill goes out for circulation.

Now, there is one other matter referred to in the Statement of Objects and Reasons to which I want to turn. It is assumed, that is how I read it, that so far as the State-managed lines are concerned, they are under no disability of any kind. They have the authority to have their own motor bus service, if they like. I daresay, the Government have been advised by their Legislative Department on this particular point, but what about the Company-managed lines themselves? The section of the Indian Railways Act, which this Bill seeks to amend, applies to certain railway lines. Now, the other statutory enactment which governs the Indian Railways is a British enactment. It is the Indian Guaranteed Railways Act of 1879. Now, that Act contains a section corresponding to the particular section which is sought to be amended by this particular Bill. It is almost in similar terms. I need not trouble the House with the terms of that particular section, but what is material is that that particular section applies to several railway concerns. Some of them have been turned into regular State-managed systems, but there are others which still continue as Company-managed lines. Now, the question that arises is this. If this amendment is accepted, a Company-managed line like the Bengal and North-Western Railway, and there are other Company-managed lines like that, will have the authority to have its own bus service.

The Honourable Sir C. P. Ramaswami Aiyar : No. As a matter of fact, Mr. President, the railways which are running under a statutory authority can be given this power only by virtue of Parliamentary Statute or an amendment. This Bill will not apply to Company-managed lines. It will not apply to State-managed lines. As a matter of fact, it applies only to a certain number of small concerns many of which are private in character.

Mr. K. C. Neogy : I am very glad that I have been corrected in this particular matter, but I should have been more glad if this particular Bill was specific in character, exactly in the same manner as the British Statute is specific. The British Statute applies to four British Railways.

Originally the intention was to give the benefit of this particular power to five, but one was dropped out as a result of the inquiry made by the Joint Parliamentary Committee. And if my Honourable friend is really anxious to benefit certain specific small lines, then the better course for him would have been to name those particular lines instead of leaving it to the discretion of Government as is proposed to be done.

The Honourable Sir C. P. Ramaswami Aiyar : They are over 50 in number.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : How long will the Honourable Member take ?

Mr. K. C. Neogy : I will finish in a very few minutes. When I was referring to the Company-managed lines, I was led to make those observations because of the manner in which the Statement of Objects and Reasons has been drafted. The Statement of Objects and Reasons says this :

“ Section 51 of the Act does not apply to State-managed lines and such lines, therefore, are under no legal disability in the matter of owning and operating road services.”

Now, Sir, I really do not understand how is it my Honourable friend says, or how is it that he expects this House to conclude from this, that this particular provision is not for the benefit of all Company-managed lines.

The Honourable Sir C. P. Ramaswami Aiyar : Read the first sentence of the Statement of Objects and Reasons.

Mr. K. C. Neogy : The first sentence reads thus :

“ Under the existing sub-section (e) of section 51 of the Indian Railways Act, 1890, a railway company which is not one of the guaranteed companies.....may with the sanction of the Governor General in Council provide and maintain, etc.”

Now, I was exactly coming to that point. I am sorry my Honourable friend interrupted me when I was developing this particular point. Now there are Company-managed lines like the Bombay, Baroda and Central India Railway, the South Indian Railway and the Madras and Southern Mahratta Railway. Is it the contention of Government that, so far as these lines are concerned, they do not stand in need of starting any motor bus service to compete with the existing services ?

The Honourable Sir C. P. Ramaswami Aiyar : If Parliament will make that amendment ?

Mr. K. C. Neogy : I was going to point out the distinction that my Honourable friend's amendment is raising between certain Company-managed lines and certain other Company-managed lines. That is why I was saying that this is a sort of half measure. You should go into the matter thoroughly and find out exactly which are the particular lines that need this kind of help ; and either make your legislation specific with regard to them, or if you want to have uniform legislation for all the Company-managed lines, because I see from the Statement that the State-managed lines do not stand in need of legislative assistance, then take some means of placing all the Company-managed lines on the same footing. Now, Sir, there is one other point which I wanted to raise in this connection. The British Statute gives certain kinds of relief to certain local authorities. If, for instance, a local authority finds that the rates and fares charged by any omnibus service owned and conducted

[Mr. K. C. Neogy.]

by a railway are not reasonable, they are competent to complain before several authorities, one of them being the Rates Tribunal. I want my Honourable friend to examine this particular question and consider as to whether he is prepared to give any relief, any forum before which the aggrieved party could go in regard to these matters, and whether he is prepared to arm the present Railway Rates Committee with that authority which the corresponding body in England possesses in this particular matter.

The Assembly then adjourned for lunch till thirty-five minutes past two of the clock.

The Assembly re-assembled after lunch at thirty-five minutes past two of the clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

The Honourable Sir C. P. Ramaswami Aiyar : Mr. President, I had not originally intended, in view of my assurance that this Bill will be circulated for the purpose of eliciting public opinion, to speak at all, and certainly not to speak at any length, but I think I shall be wanting in courtesy to Honourable Members, who have put forward various points of view, if I do not indicate very briefly my answers to the various queries propounded here. In the first place, let me deal with the somewhat trenchant criticisms of my Honourable friend, Mr. Neogy. He has sought to smite the Government hard and I must say that I emerged or rather ought to have emerged very much shaken from the onslaught, but it may be permitted even for such a victim to say a few words by way of defence or justification. The reason why this measure is not more comprehensively drafted than it has been is not due entirely to these qualities of perfunctoriness and legal negligence which were attributed to us. They were due, I submit, to the circumstances attendant upon this Bill itself and its scope. Let me again point out that this Bill has no application to the State-managed Railways. Therefore, a large class of these administrations are out of the ambit of the Bill and also, as it has been observed by the Honourable Member himself, this Bill does not advert to and has no reference to those Companies operating under Parliamentary Statutes. The residue, therefore, on which this Bill can operate, can only be certain Companies of a comparatively small jurisdiction who find that their work and their finances are severely handicapped by reason of the competition which is referred to. I may, with reference to another remark which fell from the Honourable Member, say that this Bill, if it receives legislative sanction and is passed into law, will be then a kind of jumping-off ground so that we may approach Parliament in order that they may proceed with reference to those lines in regard to which Parliamentary sanction or Parliamentary legislation is necessary. As has been pointed out in the Statement of Objects and Reasons, so far as the State-managed Railways themselves are concerned, we are advised that no legislation is necessary. This, I may submit, is the only reason why this Bill does not proceed to such elaborate details as the English Statute to which reference has been made, and this also is my justification of the defence for what has been characterised as the ordinance method of legislative approach. Then, my Honourable

friend, Dr. Ziauddin Ahmad, was at great pains to demonstrate how bankrupt the railway administration was both in the matter of administrative efficiency and in the matter of its actual finances. He was anxious also to warn this House and the country at large that no greater powers and no extension of jurisdiction should be granted to a body which has proved itself so unworthy. Dr. Ziauddin's varied talents have been utilised consistently for the purpose of improving the railway administration according to his lights and it was rather uncharitable on his part to have indulged in those remarks. But at the risk of being very disrespectful, may I indicate that practically all the remarks that he made were irrelevant and beside the point, because whatever the manifold sins of commission and omission of the Railway Board may be, the bulk of the Companies comprised within the scope of this Bill have nothing to do either with the State or the Railway Board. Therefore, those very valuable and illuminating remarks on the financial administration of the railways, though they may be placed on record for other purposes and may be very usefully referred to on other occasions, may be put out of the picture on this particular occasion.

Mr. K. C. Neogy : Does the Honourable Member admit the accuracy of the statements ?

The Honourable Sir C. P. Ramaswami Aiyar : My Honourable friend is a sufficiently acute person to realise that it is unnecessary to controvert the accuracy of a statement when its relevancy itself is in question. Then, my Honourable friend, Raja Bahadur Krishnamachariar, referred to the troubles by which he has been beset in the course of his travels in the south of India. May I point out that, while I realise that he is a large landholder in the South of India, he is also very closely connected with His Exalted Highness the Nizam's State and it has introduced this particular departure which we are now asking for.

Raja Bahadur G. Krishnamachariar : Wait until the result is known.

The Honourable Sir C. P. Ramaswami Aiyar : One cannot always wait for the results being known before taking necessary action.

Then, Sir, a question was put to us about the Carriers Act and the application of the Carriers Act. My only answer is this, that so far as I can see—and I am not speaking here as a Law Member but as a lawyer temporarily out of work—in all probability the Carriers Act would apply in regard to buses run by the Railway Companies, steamers run by them are not presumably governed by the Railways Act. Then, finally, I come to the very comprehensive denunciation of my Honourable friend, Mr. Das. He pointed out that the Statement of Objects and Reasons says that the Associated Chambers of Commerce passed a Resolution and the Government began its work of codification immediately. My answer to this is that we have in our possession a number of representations received from *bona fide* Indian agencies also asking for action. But, as I have stated, it will be Government's endeavour to get opinion all round, Indian and European, and to act on the basis of the majority opinion so collated and gathered. Mr. Das' artillery has, therefore, been wasted.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That the Bill be circulated for the purpose of eliciting opinion thereon by the 2nd January, 1933.”

The motion was adopted.

THE PORT HAJ COMMITTEES BILL.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I beg to move :

“ That the Bill to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz, as amended in Select Committee, be taken into consideration.”

Sir, it will be within the recollection of the House that when this Bill was referred to the Select Committee last session, certain criticisms were made of the proposed composition of the Haj Committees, on the ground that the nominated element would predominate on these committees. The House must have observed from the report of the Select Committee that those provisions have been modified in the direction of making these committees more popular. I do not think, Sir, that at this stage it would be proper for me to anticipate certain amendments, which are down on the order paper, but, inasmuch as those amendments also involve certain questions of principle, it would be worth while to comment upon those points of principle. Two points of principle have been made out by my Honourable friend Bhai Parma Nand. First that, in his opinion, the electorates proposed for these Haj Committees involve the creation of a new communal body. The answer to that is that communal bodies already exist in this country and that, if they have to be admitted as necessary in the political field, their desirability in what is an exclusively religious field can hardly be called into question. The second point of principle made by Bhai Parma Nand is that it involves a breach of the principle of religious neutrality on the part of Government to make any contribution whatsoever towards the expenses of Hajis proceeding to the Hedjaz. My answer to that is that it involves no breach of the principles of religious neutrality, because it is the duty of Government to make such provision as it can for the comfort and convenience of all classes of its subjects. It must be within the knowledge of the House that there are special Hindu festivals, as, for example, the *Kumbh mela* at Hardwar or the *Magh mela* at Allahabad where special arrangements are made for the comfort of the pilgrims who go there. There is therefore no reason why Government should not extend a similar treatment to their Muhammadan subjects.

Then, I come to the main objections which seem to underlie most of the minute of dissent of my Honourable friend, Mr. Maswood Ahmad. He wants the composition of the Haj Committees to be altered. He wants the powers of the Local Governments, even in such simple matters as scrutiny of rules made by Haj Committees, or the general financial control over their expenditure, he wants all that to be removed ; forsooth, because he is distrustful of the intentions of Government in this matter. Well, Sir, I would like to state to the House that it was Government which, on the suggestion of Honourable Members of the Legislative Assembly, agreed to appoint a Haj Enquiry Committee in 1929. The Government, it was, which, on receipt of the recommendations of the Haj Committee, undertook

to the utmost of its ability to bring forward measures which would implement the recommendations made by the Haj Enquiry Committee. This Bill, Sir, is one, in fact, it is the first, if my information is correct, of the measures brought forward by Government, which has now reached the stage of being near the Statute-book. I can assure Honourable Members of this House, the Muslim Members in particular, that there is nothing sinister behind the motives of Government in bringing forward this measure, or in providing for such measure of Government control as appears in the various provisions of the Bill. The whole object of such control is to ensure, in the initial stages of the working of these committees, that Government experience or the experience of Government officials should be available in order to make certain that these committees work smoothly.

Finally I would say that it is more than three years since the Committee was appointed, and it is more than a year since the Committee reported. We have now, before us the first fruits of the labours of the Committee presented in legislative form to this House, and, Sir, the Bill, as presented to-day, has emerged from a very representative and influential Select Committee. I think that the best earnest that the House can give of its interest in the welfare of the Hajis is to proceed without further delay to place this Bill on the Statute-book.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Motion moved :

“ That the Bill to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz, as reported by the Select Committee, be taken into consideration.”

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I move :

“ That the Bill be circulated for the purpose of eliciting opinion thereon.”

I am very sorry to say that we could not come to a unanimous decision on this measure. There was and there is difference of opinion amongst us on this question. Though I differed from the majority of the Select Committee, yet I feel all of them are sincere and they have love for Islam.

My Honourable friend, Sir Abdur Rahim, is my elder in relation, older in age, greater in knowledge, in ability and in experience. I respect him, I recognise all these and revere him as a leader of my community. My Honourable friend, Maulana Sayyid Murtuza Saheb, is an old champion of Muslim cause. He has love for Islam and for his country and his sacrifices are well known and at the same time, he is a great scholar of Islamic law. My Honourable friend, Maulvi Muhammad Shafee Daoodi, is a great man, an old comrade of Maulana Muhammad Ali and Maulana Shaukat Ali. His sacrifices of 1912 and 1922 cannot be forgotten. He has a vast knowledge of Muhammadan law. In short, Sir, other members of the Select Committee as well are great assets to the Muslim community and they have the same love for Islam as I have and I respect all of them. I am sorry that the great hero Sir Fazl-i-Husain, in whom all the Muslim community has great trust, is not here, but I have got a great politician and a great well-wisher of Muslim community, Chaudhri Zafarullah Khan, as his successor and I disassociate myself from the remark which was made the other day by a Member on the floor of this House. This was the best selection which

[Mr. M. Maswood Ahmad.]

was possible on the occasion. His ability cannot be questioned, I believe he will support any just proposal based on sound arguments from any corner of the House whether any one supports it or not.

Now, Sir, before discussing this Bill, I wish to say that this measure does not affect any other community except the Muslims and so I will ask the Government not to interfere and not to favour any one school of thought. Similarly I appeal to my Hindu brethren not to support or oppose me in this question. Let us decide this question ourselves amongst the Muslims. I want to make it clear that the note of dissent of my Honourable friend, Bhai Parma Nand, has perhaps been written on some misunderstanding or misapprehension. The note of dissent was perhaps intended for the original Bill. The modified Bill does not contain those provisions at all :

“ It aims at the establishment of a strong statutory Muslim organisation throughout the country on the basis of religion and under the patronage of the Government. This clause, with its sub-sections, makes a provision for the establishment of an elaborate elective machinery to gain that end. We find in sub-section (1) (b) the following :

4 members to be elected by the elected Muslim members of the District Boards in Bengal.

This simply means the organisation of the Muslim members of all the District Boards in Bengal on a communal basis as distinct and, in a way, opposed to the non-Muslim members of the District Boards.”

But if you see the recommendation of the Select Committee, you won't find it there. Sub-section (1) (b) of clause 4 says :

“ Two members to be elected by the elected Muslim councillors and elected Muslim Aldermen of the Corporation of Calcutta.”

So, Sir, it is clear that the fear which my Honourable friend, Bhai Parma Nand, has mentioned in the note of dissent is not at all in the Bill. Where is then this organisation of Muslim members of the Bengal District Boards ? Am I not correct, Sir, in my statement that the minute of dissent was drafted under some misapprehension. Those objectionable points are not at all in the Bill. Therefore my Hindu brethren have nothing to fear from this Bill. I am very doubtful whether my appeal will have any effect, but I shall be doing my duty if I remove any suspicion in the minds of our Hindu brethren. This Bill affects only the Muslims and the Hindus need not be frightened. So, I ask the Government and my Hindu friends to allow us, the Muslims, to decide this measure amongst ourselves.

Now, coming to the provisions of the Bill, I will say, Sir, that the Bill, as presented by the Honourable Member on that occasion and as modified by the Select Committee now, is not in accordance with the recommendations of the Haj Enquiry Committee. The main item is the formation of the Port Haj Committees. In this connection, Sir, I was to quote the recommendation of the Haj Enquiry Committee :

“ The Port Haj Committees at Calcutta, Bombay and Karachi should be re-constituted with a membership of twenty-five.”

Here you will find that the membership is restricted to 19 only.

Further on, in paragraph 151, on page 172, members of the Haj Enquiry Committee say that eighteen of these members should be elected in accordance with approved byelaws by various Muslim Associations

and Anjumans representing all shades of Muslim opinion. That is to say, 18 out of 25 comes to 72 per cent. and here this election has been restricted by the Select Committee to 42 per cent. only. And the option there was about 8 per cent. which has been raised by the Select Committee to 21 per cent. while the Select Committee has increased the nomination to a very great extent. The Haj Enquiry Committee says that two should be co-opted from among persons who have recently performed the Haj, but this restriction is not found in the Bill. About nominated members they say that five members should be nominated by Government. This five out of 25 comes to 20 per cent., but here, in this Bill, we find that the nomination has been raised to 37 per cent.

Further, Sir, though the Select Committee have changed the composition to a very great extent, but if you will go on to clause 5 you will find that whatever has been gained by clause 4 has been left in the hands of the Local Government. This clause will always be a weapon in the hands of the Local Government. Clause 5 says :

“ The Local Government may propose to the Governor General in Council a draft of rules altering the composition of a Port Haj Committee, and the Governor General in Council, after previous publication of the draft in accordance with the provisions of section 23 of the General Clauses Act, 1897, shall take the draft into consideration.”

We already know the views of the Local Governments.

An Honourable Member : Why did you not oppose it in the Select Committee ?

Mr. M. Maswood Ahmad : That is another point. My Honourable friend who asks that question is well aware that as I received a telegram from my home about serious illness there, I left Simla in haste and could not be present in the Select Committee at the time this was discussed. I am thankful to my friend for this question.

You will find, Sir, that although they have recommended a consultation with the Standing Haj Committee, these recommendations cannot be a law and I have dealt with this point in my note of dissent fully. When there is not a word mentioned in this Bill, it is useless to make these suggestions.

Further, Sir, you will find that in several clauses, which I have clearly mentioned in my note of dissent, so many powers have been given to the Local Government and to the Central Government that it was beyond the expectations of the Muslim community. Government have not taken the power in one clause. They take it in one clause 10, then after one clause they take it in another clause 12 and again in other clauses 14 and 22. In this way you will find that in four places power has been given to the Local Government. Apart from this in many clauses the words “ subject to the confirmation of the Local Government ” may be seen.

About the formation of the Haj Committee there was a very sound recommendation in the Haj Enquiry Committee's Report. Their recommendation was that members of the Port Haj Committee will be elected by Muslim organisations, but here in the Bill I do not find a single word about that. Not a single seat has been given to the representative of any Muslim organisation in this country at all, not a single seat has been given to any organisations of Ulemas. This is a purely religious

[Mr. M. Maswood Ahmad.]

matter and the Haj Committee may be in need of knowing many things from the Ulemas, but I do not find any suggestion for an Alim to be a member of the proposed Port Haj Committees. Sir, after a month or two, my Honourable friend will discuss the Medical Council Bill. There they have everywhere said that one member will be from this medical faculty and another member from another medical faculty, but I do not find that any seat for an Alim to guide the Port Haj Committee in religious matters has been provided in this Bill. So, Sir, this Bill is quite different from what the Haj Enquiry Committee recommended and so I think it requires republication and circulation.

The report of the Select Committee was placed before us a week ago ; this Bill has not been published in any of the papers and our Muslim organisations do not know how we have changed the Bill and whether, after these changes, the Bill is acceptable to the Muslim community or not. Sir, I make these remarks in addition to my note of dissent and I propose that this Bill should be circulated for the purpose of eliciting opinion. Sir, I move.

Shaikh Sadiq Hasan (East Central Punjab : Muhammadan) : Sir,

3 P. M.

I feel it my duty to oppose this Bill. This Bill has been denounced throughout the country by Muslim Ulemas and also in public meetings which have been held in so many parts of the country. We have to see whether the Ulemas who denounce this Bill are in the right or in the wrong. If they are in the right, certainly it is the duty of Muslim Members here to support them, but, if they are in the wrong, it is our duty to enlighten them and show them that they are in the wrong. I say that this Bill though contains the very laudable object of helping the pilgrims I consider it to be one of the most reactionary Bills ever put before this House, and I will do my level best to convince the House of this fact. First of all, let us take the composition of the Port Haj Committee. Out of 19 members, Government want to have seven nominated members. Government are well aware and the Members here are well aware that neither in any district board nor in any municipality is there such a large percentage of nominated members. But Government are not content with that, they want something more. They have got something more in this Bill, and, unfortunately, I am surprised to see, they have been supported by some of my friends for whom I have got the greatest respect. Whether they were mesmerised, I cannot say, but I have met them and talked with them and I know they are of a different calibre. Take the case of Sir Abdur Rahim, a gentleman who has worked for his community and suffered for his community and who is a great patriot. Still he agrees to the power to alter the composition of the Haj Committee being given to the Governor General in Council. I think, Sir, this clause is sufficient to condemn the Bill.

Now, Sir, as to the other clauses. Take clauses 10, 12 and 22. Local Governments have got the right to make rules relating to the constitution of the committees, they have got the power to make rules regarding the Chairmen and they have the power to make rules regarding the financial control of the committees. If Governments have got the power to make all these rules, I wonder, what is left to the committees. These committees are going to be nothing but puppets in the hands of Local Governments, for what sinister purpose, I do not know.

Now, this Bill goes still further. Take the provisions of clauses 14 (2), 15 (2) and 23 (2). Clause 14 (2) says :

“ The Local Government may make rules regulating the relations between a Port Haj Committee and its Executive Officer.”

The Government want to make rules as to how the committee should govern its own subordinates ; they must interfere and make rules to regulate the conduct of the committee and its executive officer. Clause 15 (2) says :

“ Such authorisation may impose such restrictions and conditions as the Local Government may think fit.”

After four years when the committee gets power to appoint its own executive officer, even then such authorisation may impose such restrictions and conditions as the Local Government may think fit. Even though they pay the salaries from their own purse, still Government must interfere and tell them what is to be done and what the power of the executive officer will be. Clause 23 (2) says :

“ Bye-laws made by a Port Haj Committee shall be submitted to the Local Government, and shall not take effect until they have been confirmed by the Local Government.”

I consider the provisions of the Bill most derogatory and humiliating to any self-respecting Mussalman to go and work on such a committee. I wonder if Sir Abdur Rahim himself would deign or condescend, under the circumstances, to go and work on such a committee ; and if he would not work himself, why should he allow these provisions to stand which would humiliate and degrade others who go and work on these committees ?

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Why do you follow him as leader then ?

Shaikh Sadiq Hasan : I do not know what the Government are aiming at. The aims and objects of this committee are very simple. They are to help the pilgrims. Why should the Government like to have such a tight hold over these committees, I cannot understand. In a year's time there is going to be responsible self-government in the provinces. If in the provinces where so many things will have to be done, where the destinies of the people will have to be decided, the Central Government are going to give a free hand to the provincial legislatures to decide whatever they like and the supervision of Central Government is going to be nominal, what makes the Government move that they should have such reactionary measures brought in ? And for what purpose ? To help the pilgrims. Government are not stupid. I do not consider Government are foolish ; I consider this Government to be a very wise one, especially for their own purposes...

An Honourable Member : For their own purposes !

Shaikh Sadiq Hasan : Certainly for their own purposes.

An Honourable Member : What are they ?

Shaikh Sadiq Hasan : It is a very wise Government so far as the interests of their own are concerned. And, therefore, now when they are going to have such rules and regulations for this small petty committee—it appears to me very small—there must be something behind their minds which we humble people cannot understand.

Mr. K. Ahmed : There is something in the moon also that you cannot understand.

Shaikh Sadiq Hasan : Do you understand it well ? I have got another objection too. That is that in this committee representation of Ulemas is ignored. I cannot understand how my friend, Mr. Maswood Ahmad, considers that members of the Jamiat-ul-Ulema should be taken here. They are a non-co-operating body ; they would not come even if Mr. Maswood Ahmad asks them. But, in any case, what do I find ? The Bill has ignored all Ulemas who may have cared to join. I mean the representatives of Nadwa and the Ulemas of Deoband and Shia Mujtahids, and others who are not non-co-operating with the Government ; they would have been quite welcome on this committee.

Mr. M. Maswood Ahmad : I suggested they should be given representation in the Port Haj Committees ; I did not say that they would non-co-operate in all. Ulemas are ready to co-operate in this matter.

Shaikh Sadiq Hasan : Then there is another point. I find the duties of the committee are not wide enough. I think the duties should have been wider and they should have more scope for their work. I find they are not even allowed to receive subscriptions. It means putting these committees absolutely in the hands of the Government. Although I do claim that it is the duty of the Government to protect the pilgrims and look after them, but still, what I do think is this that they should not make these committees absolutely dependent on the Government. They should authorise them to collect subscriptions and there are hundreds and thousands of people who would willingly subscribe to these committees provided they believed that these committees are not puppets in the hands of the Government. Sir Frank Noyce, I am afraid, would deprive them of certain portions of the income in order perhaps to make them more dependent on the Government...

The Honourable Sir Frank Noyce : I have no intention of doing anything of the kind.

Shaikh Sadiq Hasan : What about your amendments (b), (c) and (d) ?

The Honourable Sir Frank Noyce : I would suggest that the Honourable Member waits until that amendment is reached before he criticises it.

Shaikh Sadiq Hasan : I am bound to say a word about my friend, Bhai Parma Nand. I will speak very briefly.

An Honourable Member : He does not want the Bill either ; so you are in agreement !

Shaikh Sadiq Hasan : We are agreed, but with different motives. My friend, Bhai Parma Nand, says :

“ I think while seeking for the protection and comforts of the Muslim pilgrims it would be a great evil to introduce communal spirit in the local and Legislative Bodies of the country.”

Coming as it does from the Vice-President of the Hindu Mahasabha which is quite a communal body, I think I cannot say what these words denote. I will not say hypocrisy, but something akin to it.

Again he says :

“ There seems to be no reason for limiting the right of vote to Muslim Members alone of District Boards or Legislative Bodies.”

As an amendment of his is coming on that point and I will not anticipate.

Again he says :

“ I hold an entirely different view. The pilgrimage affair is a purely religious one. It is not for the Government to undertake any responsibility in this matter.”

I would like to give a bit of advice to my friend, Bhai Parma Nand. He is the Vice-President of the Hindu Mahasabha, and, as I understand, the object of that body is only to fight against Muslims where the interests of the Hindus conflict with those of the Muslims ; they are not out to trouble the Muslims where their own interests are not concerned. Here the question is of poor pilgrims. Surely I do not think that the Hindu Mahasabha, whose Vice-President he is, would like that these thousands of pilgrims should suffer, although the Hindus have nothing to gain from it. With these words, I resume my seat.

Bhai Parma Nand (Ambala Division : Non-Muhammadan) : Sir, I have heard the Honourable Member, Mr. Maswood Ahmad, advising me as well as other Hindu Members not to interfere in this Bill, because it is the concern of the Mussalmans and they should be allowed a free hand to settle this matter among themselves. I quite agree with him and I like the idea. When the question of voting comes, if the Honourable Mr. Maswood Ahmad and his other Muslim friends want me and other Hindu members of our party to abstain from voting, I would of course agree to do so. I will not interfere in the matter and I will advise my Hindu friends not to interfere in the matter and allow them to settle it among themselves.

But, Sir, admitting that, I have to say this : When the Bill comes before this House, then, as Members of this House, we have a right to express our opinions on the pros and cons, how it affects the whole country, how it affects the different communities and, so on, and I think we have a right to be heard on that point. (*Several Honourable Members* : “ Certainly.”) There is one other point which was mentioned by the Honourable Member, and that is with regard to a mistake committed by me in writing out my dissent. The fact is that when clause No. 4 was being discussed, I was absent, and I had intimated about my absence to the Member in charge of that Bill. The next day I came up and inquired from the gentleman who was acting as Secretary as to what were the amendments made in the Bill. He gave me two or three amendments, but he did not mention that the particular clause relating to the election of members by the members of the district boards of Bengal was also deleted. I took down those notes on my copy, and as this correction was not mentioned to me, I really made a mistake in referring to this clause of the original Bill that the members were to be elected by the Muslim members of the district boards of Bengal. But, all the same, my principal objection remains there, and that is that the Muslim Members of the Central Legislature and of the Council of State should have nothing to do with elections to the Port Haj Committees of Bombay, Bengal or Karachi. In making the constituency for election of these

[Bhai Parma Nand.]

Haj Committees so large as to include the Muslim Members of the Provincial Councils as well as those of the Legislative Assembly and the Council of State, I thought we were providing a very elaborate machinery for doing a very small service, however important that service may be from a religious point of view.

I want to tell my friend, Mr. Sadiq Hasan, that I am not at all opposed to the protection or looking after the comforts of these pilgrims who go to Hedjaz. I have stated it definitely. Besides I supported almost every clause in the other two Bills which were opposed by some Muslim members of the Select Committee and they had to be postponed. I was in perfect sympathy with the views of the members of the Select Committee as well as with the policy of the Government so far as the protection or looking after these pilgrims went. Therefore, Sir, to say that as a member of the Hindu Mahasabha I wanted to have a quarrel with my Muslim friends on that point, is, to say the least, absolutely wrong and saying things which are not relevant to the subject before us. My principal objection is not to the spirit or the aims and objects of the Bill. I quite see that as 20,000 or 25,000 Muslim pilgrims every year leave Karachi, Bombay or Calcutta for Hedjaz, their comforts should be properly looked after. This duty was done by the Commissioner of Police or some other Government officers before, but as it has been thought necessary that some special agency should be appointed to do that work, I did not oppose the idea, and rather welcomed it. But my point is that in a purely local affair confined to Bombay, Karachi or Calcutta, there is no need that the whole country or a whole community should be moved in order to elect a particular number of members of a committee to be appointed for the purpose, therefore, I thought that there could not but be some other ulterior motive in allowing the Provincial Legislatures as well as the Central Legislature to become a part of the constituency for the election of these committees. I do not think this objection refers in any way to the pilgrims who proceed to Haj, or to the removal of their difficulties and troubles.

Then, there are other reasons that I have to advance, and those reasons are briefly these. In the first place, my Honourable friend, Mr. Bajpai, says that it does not involve Government interference. While I say that just at the time when we were discussing this Bill in the Select Committee, we had Muslim papers and Anjumans definitely telling us that Government were going to interfere with their religion and that they would not tolerate this interference. This was the view expressed by the Jamiat-ul-Ulema, and by a number of Muslim papers. They looked upon this measure as a gross interference with Muslim religion, and it was on this very account that the other two Bills relating to these pilgrims had to be postponed by Sir Fazl-i-Husain himself.

Then, Sir, as this was a matter in which Muhammadans were going to suspect religious interference, it was natural for them to suspect it, and as my friend, Mr. Sadiq Hasan, also suspects in this an undue interference on the part of Government, that was the reason which weighed with me in holding that Government should not provide such an

elaborate machinery so as to include Central and Provincial Legislatures.

My second argument was that for the last two or three years this measure has been before the Government ; this House appointed the Haj Enquiry Committee which toured round the country and spent something like one lakh of rupees on their work. On looking to their recommendations, we find that they never thought of making Provincial or Central Legislatures a part of the constituency for the election of Port Haj Committees. They merely say that Muslim Associations and the municipal corporations of Bombay, Karachi or Calcutta should elect members to these Port Haj Committees. I want to draw the attention of the House to this particular fact that they do not say Muslim members of these corporations but simply the municipal corporations should elect these members...

Mr. G. S. Bajpai : On a point of fact, Sir. I do not wish to interrupt the Honourable Member, but I would draw his attention to Appendix D to the Report, which would correct some of the statements he has been making just now. It definitely states that the elected Muslim members of the Bombay and Bengal Legislative Councils should be included as constituents, and also the Muslim members of the two Corporations.

Some Honourable Members : Page, Sir.

Mr. G. S. Bajpai : Page 212.

Bhai Parma Nand : This appendix might have been appended afterwards ; I know nothing about it. But I have referred to the main recommendations of the Haj Enquiry Committee's report. They mention Muslim Associations as well as the Corporations of Bombay, Calcutta and Karachi, and they do not make any mention of the Muslim members of those Corporations, nor do they make any mention of the Legislatures. When the Haj Enquiry Committee, all consisting of Muslim members, recommend that Legislatures should not come in into the matter, that the corporations as a body should elect Muslim members for the Haj Committee, I do not see any reason why the Government should come in and introduce a new element in the Bill unless they had some other object in view. Then, there was another point. Opinions were given by different authorities on this point, and I shall just quote the authority of the Government of Bengal in their letter, dated the 12th September, 1930. The Government of Bengal oppose the suggestion of including Legislatures on a similar ground. In their letter they say :

“ As regards allowing elected Muslim Members of Legislative Councils to send representatives, I am to say that this procedure is likely to bring politics into a religious matter.”

This is the definite opinion of the Government of Bengal on this subject. They opposed the bringing in of members of the Legislatures into the business of this election of the Port Haj Committees. It is on that ground, and not with any view or prejudice against the pilgrims or against the Muslims, as was suggested by my Honourable friend Mr. Sadiq Hasan, that I wrote my note of dissent. My view is that the matter is a simple one. In one sense it is not even a religious question. The pilgrimage as such is religious function ; but the task of looking after the comforts of the pilgrims is not religious ; it is a secular one. That

[Bhai Parma Nand.]

can very well be entrusted to Government officials, and it can be entrusted even to Hindu police officers, just as much as to Muhammadan or Christian police officers. All the same, if the Muhammadan community wants that there should be Muslim committees I have no objection to this ; my objection is only this, that the Central Legislature and the provincial Legislatures should be kept out of these committees ; otherwise it will introduce afresh and keep up that virus of communalism in the Legislatures on the basis of religion. It was said by the Honourable Member on the Government Benches that communal parties already exist. I admit that. But as in the case of the Communal Award and as on the question of separate communal electorates, we have thought it to be our duty to oppose this communalism in our constitutions,—whether Government will agree with us or not,—we have been doing so in the interests of the country, in the interests of the future political development of our nation ; for the very same reasons, I say to introduce religion now on the score of these Haj Committees into our Legislatures is a thing which cannot be acquiesced in by us. Yes, there already exist separate electorates and communal parties, but that is no reason why we should strengthen or accentuate them and keep them on by introducing religion directly into our politics. My proposal was simply this, that local associations, and municipal corporations may be permitted to elect members to these Haj Committees—the corporations of Karachi, Bombay and Calcutta, and also the Muslim Associations should be given a free hand in the elections as has been recommended by the Haj Enquiry Committee. It is surprising that all these recommendations were set aside and the Government on their own initiative have introduced in the Bill an altogether new element which was even so strongly opposed by the Government of Bengal. On these grounds I oppose certain sections of the Bill.

Kunwar Hajee Ismail Ali Khan (Meerut Division : Muhammadan Rural) : I had not the slightest idea to participate in this debate as my learned and esteemed friend, Mr. Maswood Ahmad, gave me an assurance that he was not going to move any of his amendments. However, when he moved his motion about circulation of this Bill, with his usual sense of publicity, it has become my duty to record my views before the House. When my Honourable friend said that unfortunately he could not get any unanimous decision of the Muslims, I was quite surprised. There were eight Muslim members of the Select Committee and two non-Muslims, and from those eight Muslim members of the Select Committee there was only one note of dissent, namely, from my Honourable friend, Mr. Maswood Ahmad ; what more unanimity he wants ? Another thing that surprised me more was this. The remarks that my friends, Maulvi Parma Nand and Bhai Maswood Ahmad (Laughter), I mean Bhai Parma Nand and Maulvi Maswood Ahmad, have made on the floor of this House were not mentioned by them before the Select Committee. I was also a member of the Select Committee.

Bhai Parma Nand : As I stated, I was absent on that day and so I could not place my views.

Kunwar Hajee Ismail Ali Khan : I am not exposing any secrets of the Select Committee—and I want to bring to the notice of the House this fact—when I say that one circular was issued by the Department and we

were asked to express our opinions. I have seen all those papers and I can assure you, Mr. President, that I have not seen these views which have been advanced by Bhai Parma Nand and Mr. Maswood Ahmad.

Bhai Parma Nand : I wrote my note and gave it on that very day.

Kunwar Hajee Ismail Ali Khan : Anyhow, it is unfortunate that we could not know these views in the Select Committee. When the Haj Enquiry Committee was formed and it toured throughout the country, not a single objection was taken by the Muslims that this interferes with our religion. Even at the time when the motion for reference to Select Committee was before the House, not a single objection was raised by my Honourable friend Mr. Maswood Ahmad that it is interference with religion. There was only one objection, and that related to the constitution of the Port Haj Committee especially in Calcutta, which was raised by my Honourable friend Mr. Anwar-ul-Azim. So, in the Select Committee we amended this. It was not discussed in the Select Committee in a hurried way. We spent more or less 15 days on this Bill.

Bhai Parma Nand : Not this alone, but on the three Bills.

Kunwar Hajee Ismail Ali Khan : But we spent most of our time on this Bill.

Mr. K. Ahmed : But you got money.

Kunwar Hajee Ismail Ali Khan : But we have not taken so much money as the members of the Haj Enquiry Committee or my friend from the Labour Commission. But when my Honourable friend said in his note of dissent about representation of the Ulemas I cannot understand the reason. It is not a matter for Ulemas ; it is a matter of sanitation of the ports and kindred other things. I have got every respect for our Maulvis and Ulemas, but surely our Ulemas cannot do anything in the matter of sanitation. I think, Sir, we must be thankful to the Government for having brought forward this measure before the House, but, Sir, the picture of reforms in these matters will not be completed without the other two Bills that are still before the Select Committee. With these few words I oppose the motion for circulation and support the Bill as amended by the Select Committee.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Sir, it is a very happy augury indeed for the future that my friends, Bhai Parma Nand and Mr. Maswood Ahmad, should have joined hands over this Haj Bill. Unfortunately, however, Mr. Maswood Ahmad who, I learn for the first time from the last speaker, is a constitutional lawyer, has suggested to this House that only Muhammadan Members should take part in the division or in the debate, that Government must keep quiet and must not take any part, nor the Hindu Members and I take it also that he does not want the non-official European Members to take any part. That is the contention of the Jamiat-ul-Ulema. I am not sure whether my Honourable friend is recognised as a member of that body. I do not think he is. If he is, I should congratulate him. Sir, the attitude of that body towards legislation relating to Muhammadans is that they are the only authority in India and should be the only authority in future to legislate in all matters affecting Muhammadans. Their theory is this. This Bill affects the religion of Islam and they are the only authority to pronounce upon whatever affects Islam. They say this is a Bill which affects the Islamic peoples.

[Sir Abdur Rahim.]

Therefore they must legislate. They are the only persons who understand the interests of Islam and of the Mussulmans and, therefore, they should be regarded as the sole authority to enact measures for the benefit of Mussalmans. I am sure, whatever be their contentions in support of such a claim, this House cannot accept it. Then it is said on the one hand that Government will control the Haj Committees according to this Bill and, therefore, we should not accept it. On the other hand, it has been said by my friend, Mr. Sadiq Hasan, that it is the duty of Government to help the pilgrims. We know how miserable has been the condition of these pilgrims to Hedjaz and how they suffer. Almost every one that comes after performing a pilgrimage tells you tales of woe which it is extremely painful to hear. We all know that and every member of the community feels that it is time that something should be done to help them and to ameliorate their condition. Sir, for that purpose the Government, at the unanimous request, I believe, of all Muslim Members of this House, appointed a Haj Enquiry Committee consisting of eight members who toured all over the country and took nearly two years to make their report. They arrived at unanimous conclusion after having spent so much time and a good deal of public money.

[At this stage Mr. President (The Honourable Sir Ibrahim Rahimtoola) vacated the Chair, which was taken by Sir Hari Singh Gour.]

That report was unanimous. The Committee had opportunities of meeting Muslim bodies and Muslims of all shades of opinion and, I believe, they examined witnesses in every part of India. After very careful deliberation, these Muslim gentlemen, some of whom, at least even Mr. Maswood Ahmad concedes, are men of position and influence in the community, made their report and it was in accordance with that report that this Bill was drawn up and also two other Bills which, I am sorry to find, have not been brought before this Assembly. There is also a Standing Haj Committee, I understand, of which I am not a member. They also supported those recommendations. Then, Sir, when this Bill and the other two Bills were introduced in this House, the House admitted the necessity for protecting pilgrims, they admitted the principle underlying these three Bills and sent them to a Select Committee consisting of a number of Muhammadans. The House knows that it is very seldom that I find the time or the energy to preside over Select Committees, but I consented to serve on this Select Committee, because my friend, Sir Hari Singh Gour, who takes so much trouble over these matters and who may be said to be an expert in the matter of Select Committees, was likely to be away. At that time, we understood that the Select Committee would meet sometime in Simla at the beginning of, or during, the Simla session. We, however, received a telegram in the month of May from the Government asking us to come up to Simla in order to consider these Bills in the Select Committee and we thought that Government regarded the matter to be so urgent that they wanted the reports of the Select Committee on all the three Bills in time to place them before the Legislature at the present session and get them passed, so that the pilgrims who would be going to Hedjaz for the next Haj might have the benefit of their provisions. It was thought that these Bills would not take more than two or three days, as they were practically of a non-controversial character. I was also under the same impression, having gone through the Bills carefully, except perhaps that in one or two matters they might be amended. But, as it

happened, to my surprise, questions of all kinds were raised in the Select Committee and we had to consider them and it took the Select Committee no less than 10 or 12 days to go through all the clauses of the Bills and to draw up the reports. The reports were drawn up on all the three Bills, but, for some reason or other, which I have not been able to appreciate, and from what I am told, I do not at all sympathise with it, Government thought fit to withhold the other two Bills. I am making this complaint, because, if all the three Bills were before the House, the House would have been in a better position to understand how this committee was going to work and how it would be able to benefit the pilgrims. But I understand that those two other Bills will be brought up before the Legislature next session ; without these I do not think this committee will be able to do much to benefit the pilgrims, because the Indian Merchant Shipping Act has to be amended and we have got to make provisions for the protection of the pilgrims against the wiles and malpractices of pilgrim guides and brokers who sometimes call themselves " Muallims " without being " Muallims " at all. (Laughter.) This is a notorious fact ; everybody admits that there is a very grave evil to be remedied ; and it was, therefore, that we met to consider carefully every provision, every word of these Bills, and, with practical unanimity, passed these Bills, making some amendments here and there. I say " practical unanimity " , because in the Select Committee itself, whatever objection was raised, was fully met. Sir, it is a matter of surprise to find Mr. Maswood Ahmad proposing circulation of this Bill for eliciting public opinion and that after the matter had been pending before the Muslim public and the Ulema and everybody for the last three years at least. (Hear, hear.) Sir, if the Muslim public, having regard to the grave evils, the grave sufferings of these poor pilgrims to the Hedjaz, could not, during all this time, make up their mind what to do and if when the Government comes to their aid, the Muslim Members of this House repudiate their help simply because the Government is given some control over the Haj Committees, and raise all sorts of objections not realizing how great the difficulties are in the way of helping pilgrims, I say it is indeed a matter of very great regret. We have got to deal with a powerful shipping company, there is only one company now which carries pilgrims to the Hedjaz. We have got to consider their attitude. They do not depend entirely on the pilgrim traffic ; they could not carry on simply with the help of the pilgrim traffic. There is only one company which carries pilgrims to the Hedjaz. We have therefore to bear in mind the fact that there is no competition for pilgrim traffic. If we had, there would have been little difficulty in negotiating with this company whose interests were represented on the Select Committee by my friend, Mr. Morgan. Then there were other difficulties also which had to be met. Sir, Bhai Parma Nand takes the objection to the Bill, if I read the mentality behind his minute aright, that Government and this Legislature have no business to saddle the country with the cost of this committee because to help Muhammadan pilgrims is according to him supporting a purely communal measure. Sir, if that be the attitude which any Hindu leaders are going to adopt towards legislation for promoting the interests of followers of Muhammadan religion with a view to affording practical help to poor persons who think it their religious duty to perform a long pilgrimage to another country, if, when to alleviate their sufferings in the cause of humanity action is sought to be taken which meets with disapproval on

[Sir Abdur Rahim.]

the ground that such action is communal and ought not to have the support of Government—which is neither Hindu nor Muhammadan—or of the Legislature which is a mixed body consisting of Hindus, Muhammadans and Christians, then in that case, Sir, the future of the country is very dark indeed. (Hear, hear.) Sir, time after time proposals have come up before us for legislation regarding Hindu social matters, but it has never struck any of us Muslim Members to raise any objection that public time is being wasted in dealing with matters which are purely communal. Sir, I do hope that this sort of objection will never be raised again. (Hear, hear.) As for my friend, Mr. Maswood Ahmad's objection, I put it to him that if the Muhammadans cannot agree, in a matter of this sort, on a matter purely for the benefit of poor pilgrims, then it is hopeless to expect that they will be able to effect any improvement in their condition through the efforts of the legislature. Now, Sir, the complaint regarding control by the Government is to my mind absolutely frivolous. We are going soon to have provincial autonomy and it will be the representatives of the people, both Hindus and Muhammadans, who will have sole charge of the Government and administration of this country. Under those circumstances, if we are going to give any power to such a legislature and such a Government, what is the objection to that? You say now that the Government is controlled by non-Muslims, by foreigners, by a bureaucracy, but there will be no bureaucracy to control the Government in future. Sir, what is the main objection of Bhai Perma Nand? For the first three or four years Government will have to find the money to run these committees.

[At this stage, Mr. President (The Honourable Sir Ibrahim Rahimtoola) resumed the Chair.]

Afterwards the committees themselves will be self-supporting and the money that the Government will have to find in the meantime will not be very large so as to trouble the conscience of Bhai Parma Nand. It will be a very modest sum; I forget the exact figure, it will be something like Rs. 20,000 or Rs. 30,000, but after three or four years the committees will be self-supporting. The Bill has made provisions for realization of certain sums of money from members of Muslim community and these will go to the coffers of the committee for the benefit of the pilgrims themselves, in addition to whatever donations charitable persons may make. Under those circumstances, is it unreasonable that in the beginning, for three or four years, there should be some men nominated by the Government, some officials, to assist the committee? I for one, Sir, do not think that there are many Members in this House who are so eager to acquire responsibility for the Government and administration of this country as myself, but I must say that to object to a provision of a character like this is simply drawing upon imagination and giving way to all sorts of imaginings which have no foundation whatever in fact. Our sole desire was, in which every member of the Select Committee agreed, to have some nominated members and also some officials, in order to ensure that this committee would work smoothly and properly. Sir, there are few people in this House who have had to deal with more Muhammadan Associations than I have including the Jamiat-ul-Ulema, Nadwat-ul-Ulema, the Tabligh

and other Conferences. I did think and do say now without any fear of challenge that it would very much strengthen the hands of the committee and would ensure their successful working if we had some representatives of Government on the proposed Haj Committee. Sir, we must not forget what the powers are to be exercised by this committee. This committee has mainly to deal with the Shipping Company which carry the pilgrims and they are a powerful company. And I say publicly here that it would be difficult for the Haj Committee at least in the beginning to function usefully if they do not get full support of the Government. And how are they to get the support of Government? It is through the men nominated by Government that they will be able to get that support. Now, Sir, it has been said that there is some sinister object behind this Bill. I have lived long enough and I have seen enough of the working of the Government to be able to find out their motives hidden or apparent as most people, and I can assure my Honourable friend Mr. Sadiq Hasan that his apprehensions are absolutely ill-founded. I am often an unsparing critic of Government's measures but I am convinced that there is not the slightest trace of any such motive behind this Bill or the other two Bills which I hope will be brought before the House next session. It is said that Government wants to control the Haj. I saw a pamphlet from the Jamiat-ul-Ulema. The Jamiat-ul-Ulema seem to have read a book by a man called Stoddart, who is an American. I have got a copy of that book myself. There the author says that there is a powerful confederacy of Islam or a possibility of unity of Islamic peoples and that is a serious threat to non-Muslims. Sir, I was interested to read an article in the *Statesman*, a newspaper which no one can accuse of being partial to the Muslim community, pointing out that all these fears are groundless. Everyone thought at one time that if anything happened to the Khilafat, there would be an uprising of the Muslim world. Sir, the fact however is before which we have to hang down our heads in shame, Khilafat has been abolished and by a Muslim Power. Then, it is pointed out in that article, how in Bengal which has such a large percentage of Indian Muslim population, the Muslim community is so badly divided.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. The Honourable Member can resume his speech on the next occasion. Adjournment motion will now be taken up. Mr. Lahiri Chaudhury.

MOTION FOR ADJOURNMENT.

DENIAL OF FACILITIES TO A DETENU TO PERFORM RELIGIOUS RITES.

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : Sir, with your permission, I beg to move that the House do now adjourn.

4 P.M.

Sir, the motion, which I have tabled, undoubtedly speaks for itself, namely, the denial of facilities to a certain detenu to perform the last rites on the demise of his mother. That was the content of my motion for adjournment. Sir, this is the first time in my life of politics that I stand in the way of the business of the House by bringing a motion

[Mr. D. K. Lahiri Chaudhury.]

for adjournment. I stand here, Sir, not as a Hindu or as a politician or as a sentimental being, but absolutely as a humble citizen of the country appealing to all the Honourable Members in the House to look at the matter in a dispassionate way. Here is an instance where our religion is hampered. It is a very serious question and the circumstances are very peculiar. I have brought forward this motion, only because I feel it so strongly in the matter. It must be remembered that no one can feel in the House more than myself who lost his mother when he was only 11 days old. I was reared up under the care and supervision of my maternal grandmother. When she died, it was then I realised what mother is. I know, Sir, what it is to lose one's mother. Sir, it can be easily imagined how a man feels when he loses his mother. It is a question which ought to strike every man how awful it is if the son is not allowed to perform the last rites of his mother, who has kept him in her womb for a number of months and endeavoured to protect him from the sun and the rain and who has sacrificed even her life to save him. I make this speech on the ground that this sort of thing should not be tolerated. To a Hindu religion is above all. India is a land where every pinch of dust is sanctified with the blood of religious warfare. Hindus can ignore liberty, can give up wealth and comforts, can sacrifice many things, but they cannot in any way tolerate anything that stands in the way of their religion. Sir, I appealed to the Honourable the Home Member that arrangements should be made to give facilities to perform the last rites even in jail, if not outside. But he told me that he could not do anything unless he consulted the Government of Bengal. I said, for Heaven's sake, do not allow the date to be passed. I approached him so far as I remember just on the day I arrived here, but he said he would let me know later on when he received a communication from the Government of Bengal. Only on Monday evening I heard the deadly news that the object was not achieved. Sir, here is the man who has been detained without fair trial and to whom justice and equity have been denied and who has not been allowed to perform even the last rites of his mother.

Sir, I do feel very strongly that this kind of treatment of detenus should not continue any longer. These detenus have been snatched away from their hearth and home, from their family, even from their own province, and being detained in remote places out of the touch of any ethnical relations in such a ruthless manner in the Punjab as not even to be able to perform their mother's *Sradh* ceremony. If they are meted out such shabby treatment, even in the matter of performance of religious ceremony, I wonder whether their lives also are not at stake. I shudder to think what horrible treatments are meted out to these detenus in the remote parts of India. I stand in my place on the floor of the House and say, with all emphasis at my command, that this performance of religious ceremony is not a trivial matter. It is a matter which really affects the very roots of Hindu society. With your permission, Sir, I would appeal to all the Members of the House, Hindu, Muslim, Sikh, Christian, to everybody, that they are also born of a mother and their mothers may die some day and it is up to them to perform the last rites for their mothers who brought them up from their cradle. I do believe that it is the policy of Government not to stand in the way of religious performances of the people

of India. I may just quote an instance, that of my Honourable colleague to my left who himself was a detenu in the Mandalay jail and he performed the *Durga Puja* ceremony in the jail itself. This is also another ceremony to be performed by every Hindu. The Honourable the Leader of the House, in spite of his multifarious duties and in spite of the responsible office he holds, does go to Kurukshetra to perform his father's *Shradh* ceremony. Does he not do so? I pause for a reply.

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House) : Yes, I have done so once.

Mr. D. K. Lahiri Chaudhury : In spite of that, the Honourable Member took objection to my motion on the ground that it was not a matter of urgent public importance. I am glad to hear that he goes to Kurukshetra. I feel, Sir, that the detenus also should be treated as human beings. Though their personal liberty has been snatched away by this, if I may say so, lawless law, though they have been snatched away from their homes, yet they must be allowed to perform all their religious ceremonies. The other day, I was watching the Honourable the Home Member replying regarding the question of detenus. I was amazed to hear him refer with a little bit of gesture to the *bhadralok* class. I do not know whether the Honourable the Home Member is more respected in his own society than these detenus are in our society. It is a fact that these youths are the flowers of the country, they are just swayed away by sentiments of idealism. They are not terrorists with no means of living, but they are the brilliant products of the Indian Universities. What leads them to do the things they are doing? Only a few days ago, we heard from His Excellency the Viceroy an appeal to all classes of Indians to help Government in stamping out the terrorist movement from India. There is no use sprinkling water over a tree and cutting at the root. If we want the tree to grow we must sprinkle water at the root first. We must go into the root of the administration by which we are governed in this country. We must find out what are the defects lying under the administration that are leading these brilliant intelligent youths of our country to adopt such inhuman methods of "Terrorism". When personal liberty of individuals is taken away, how can you get any decent citizen of India to help in the suppression of terrorism? I am one of those who will help the Government with the utmost power in my command to eradicate terrorism from Bengal. I will help the Government in any just measures taken to root out terrorism. But when we are confronted with a matter like this in which our religion is involved, naturally, being Hindus, we must safeguard our religious rights. This detenu ought to be allowed to perform the religious ceremonies. I do not know why the Honourable the Home Member is so much afraid of this detenu that he will not allow him to go out to perform this religious ceremony. I cannot believe that this mighty Government, with so much arms and ammunitions behind them, with a big militia of C. I. D. at their back, I cannot believe that they cannot curb this single soul. It is a matter of great shame that the Government cannot release a single individual for a single day for the purpose of performing his religious ceremonies. I feel very much at this attitude of Government and that is why I have moved the adjournment of this House for discussing this matter. I hope every Member of this House will view this matter dispassionately and will judge it on its merits and will give his consent and full sympathetic support to my motion.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Motion moved :

“ That the House do now adjourn.”

The Honourable Mr. H. G. Haig (Home Member) : Sir, the Honourable Member in moving his motion appealed to the family feelings, feelings, Sir, which we all have and which we all respect, whatever may be our religion or whatever may be our politics. I need hardly assure him, Sir, that it is a matter of very great regret to the Government that they are forced in any way to wound those feelings. They do not do so lightly. In the course of his speech, the Honourable Member raised certain points which left me a little in doubt as to what exactly his demand is and on what grounds he proposes that the Government should be censured. The Honourable Member came to me once or twice in the intervals of our continuous business in this House and mentioned this case to me. I understood from the Honourable Member that the point he was pressing on me was that this particular detenu, or rather state prisoner, should be allowed to proceed from the Punjab where he is under detention to Calcutta for the purpose of performing this ceremony.

Mr. D. K. Lahiri Chaudhury : Did I not give an alternative suggestion ?

The Honourable Mr. H. G. Haig : I am coming to that shortly. I said it would be necessary to consult the Government of Bengal on that point. I did consult the Government of Bengal by telegram. They sent a reply which entirely convinced me that that request was not possible, and at the very earliest moment I got that news, one afternoon, I think, as I was going home in the evening, I happened to see the Honourable Member on the road and I informed him that I was afraid the answer must be ‘ no ’. Now, Sir, he had in the course of the previous conversation suggested to me as an alternative that it might be possible to make some arrangements for the performance of this ceremony at Mianwali where Mr. Satyabhushan Gupta is detained. I said I knew nothing about that and the point was not further pressed by the Honourable Member. I confess I was taken completely by surprise when without any further conversation with me he tabled a motion for the adjournment of the House. But in the course of his speech just now, it appeared to me that he was reverting to those ideas which he already mentioned previously that some arrangement might possibly be made at Mianwali. About that I am afraid I am not in a position to say definitely at the moment, but I should like to know whether the Honourable Member still considers that that is a possible alternative.

Mr. D. K. Lahiri Chaudhury : What I want to suggest is this. I thought it was possible that *Shradh* might be done in the jail. But I do not know whether it can be done in a jail where there is no river. Generally these *Shradh* ceremonies are done on the river banks, such as the Ganges. If such a provision could be made, it would be good.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : There is a river not very far from Mianwali.

The Honourable Mr. H. G. Haig : Now, Sir, I will come back to that point at the end of my speech. But I wish to explain quite briefly to the House, and I think the House is entitled to know, the general

reasons why we found ourselves unable to agree to Mr. Satyabhushan Gupta being sent to Calcutta. It is true that at times when terrorism is not very active, steps have been taken in the past, and Government are always very glad to be in a position to take such steps, to allow detenues to go to their homes for the purpose of performing these ceremonies. But there are two reasons why we could not agree to that course in the case of Mr. Satyabhushan Gupta. The first is that unfortunately, at the moment terrorism is very active. Every effort is being made at this moment by the terrorist party and we are not in a position to afford at such a moment to relax any precautions. The second point is one personal to Mr. Gupta. I do not want to discuss elaborately in this House our estimate of Mr. Gupta, but let me say as briefly as possible that we do regard him as particularly dangerous, that he was detained originally under the Bengal Criminal Law Amendment Act, that the Government of Bengal felt that even then, detained in Bengal, he was still a danger, and they asked us to take the exceptional course of dealing with him under Regulation III so that he might be removed far from Bengal. Now, Sir, that action was taken, and in the present circumstances it really is not a request to which we could possibly accede that he should be allowed to go back to Bengal even for such a purpose. Now I come once more to the point whether anything can be done at Mianwali. I have been able to make no inquiries from the Punjab Government and we are all a little bit in the dark as to what may or may not be feasible. But, Sir, I am perfectly prepared to ask the Punjab Government to consider whether they are able to make arrangements for the performance of this ceremony at Mianwali; and I will go further and say that any small expenses that might unavoidably be incurred in consequence of the ceremony taking place at Mianwali rather than in Calcutta Government would no doubt be prepared to find.

Mr. D. K. Lahiri Chaudhury : May I ask the Honourable Member whether, if it is not feasible to perform it in jail, it can be done on the banks of the river, if there is any at Mianwali?

The Honourable Mr. H. G. Haig : I imagine, Sir, there would not be much difficulty about that, but I must first of all consult the Punjab Government.

Mr. D. K. Lahiri Chaudhury : Sir, in view of the reply given by the Honourable the Home Member, for which I am very grateful to him, I beg leave to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 15th September, 1932.

LEGISLATIVE ASSEMBLY.

Thursday, 15th September, 1932.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

QUESTIONS AND ANSWERS.

REVISION OF THE INDIAN INCOME-TAX ACT.

263. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if they have under contemplation a general revision of the Indian Income-tax Act, 1922 ?

(b) If so, will Government be pleased to state when it is proposed to undertake this revision ?

The Honourable Sir Alan Parsons : (a) No.

(b) Does not arise.

Mr. Lalchand Navalrai : Does the Honourable Member realise that it is much better to amend the Income-tax Act at one time instead of doing it off and on in small Income-tax Bills ?

The Honourable Sir Alan Parsons : That is not my opinion.

Mr. Gaya Prasad Singh : Is the Honourable Member aware that it was the opinion of his predecessor in office that there were many anomalies in the Act, and he pleaded that for want of time Government were not bringing forward a consolidated Bill ?

The Honourable Sir Alan Parsons : I should of course be very sorry if my opinion differs in any respect from that of my distinguished predecessor in office.

Dr. Ziauddin Ahmad : Has not the Honourable gentleman read the speeches delivered on the occasion of the Budget debates during the last four years on this Income-tax question : and, considering the arguments advanced sometimes, does he not consider it desirable that this should be altered ?

The Honourable Sir Alan Parsons : The opinion I have expressed is that we do not consider it necessary to undertake a general revision of the Income-tax Act.

Dr. Ziauddin Ahmad : Even after reading the speeches delivered during the last four years ?

The Honourable Sir Alan Parsons : I cannot be certain that I have read all the speeches delivered on Income-tax in the last four years, but certainly after consideration of those speeches which I have read.

Mr. Lalchand Navalrai : Is it that the Honourable Member wishes to leave this question to be considered by his successor ?

The Honourable Sir Alan Parsons : I should not like to impose upon my successor such a task unless he was himself prepared to take it up.

PROCEDURE RELATING TO INCOME-TAX RETURNS.

264. ***Mr. Lalchand Navalrai :** (a) Are Government aware that in cases where, as required by section 22 of the Income-tax Act, returns are submitted to the Income-tax Officers, the latter invariably use powers under clause 2 of section 23 and call upon the assessee to attend the Income-tax Officer's office or produce evidence in support of the return instead of accepting the return under clause 1 of section 23 ?

(b) If the reply to part (a) be in the affirmative, is it that in all such cases the Income-tax Officers hold the returns as incorrect or incomplete ?

(c) If so, do Government see any necessity for calling for returns ? If not, are Government prepared to issue a circular directing the Income-tax Officers to use better discretion and to use powers under section 23 clause 2 in rare and clear cases and not make it a general rule ?

(d) Is it a fact that confidential orders have been given to the Income-tax Officers in general and specially in the Bombay Presidency not to accept under Section 23 returns such as show lesser income than assessed in the previous year and those who do so are actually dealt with ?

(e) Do Government propose to issue instructions to the contrary ? If not, why not ?

The Honourable Sir Alan Parsons : (a) No. Out of 150,507 returns filed by persons other than salary earners and persons not liable to tax in the year 1930-31, the Income-tax Officers accepted 22,401 as correct.

(b) It is, I am afraid, obviously impossible for me to say on what grounds the Income-tax Officers decided to call for evidence in the remaining 128,106 cases. I have no reason to suppose that they did so on grounds other than those mentioned in sub-section (2) of section 23.

(c) Government do not propose to amend the Act as suggested. I have no reason to believe that Income-tax Officers do not exercise their discretion properly, and do not propose to issue any instructions on the subject. The statistics for 1930-31 show that if all returns filed had been accepted as correct, the consequent loss of revenue would have amounted to Rs. 3,30,18,030.

(d) Not so far as I am aware. No such orders have been issued in the Bombay Presidency.

(e) I do not understand this part of the question I am afraid, but in any case the answer is in the negative.

Mr. Lalchand Navalrai : Will the Honourable Member take it from me that in Sind invariably after the returns are handed in, the assessee is called and examined ?

The Honourable Sir Alan Parsons : I think that point was mentioned by the Honourable Member in a supplementary question he raised yesterday and I think I told him that if he would give me detailed information of instances within his knowledge, I would have inquiries made into them.

INCOME-TAX RETURNS IN THE PROVINCE OF SIND.

265. ***Mr. Lalchand Navalrai :** Will Government be pleased to supply information with regard to the Province of Sind showing in how many cases in each division of Sind returns were submitted under section 22, Income-tax Act and in how many cases they were accepted under clause 1 of section 23 and in how many cases powers under clause 2 of the said section were used in the years 1929-30, 1930-31 and 1931-32 and in the latter cases, on what grounds in each case were powers used under section 23 clause 2 ?

The Honourable Sir Alan Parsons : This information would have to be specially compiled and I regret that I am not prepared to impose the additional labour involved on the staff which is already fully occupied.

Mr. Lalchand Navalrai : Does the Honourable Member realise that we cannot test the answers that are given unless and until the figures are placed before the House ?

The Honourable Sir Alan Parsons : No. I hope the Honourable Member does not think that I am giving him false information.

Mr. Lalchand Navalrai : Is there any other way of finding out or testing the information ?

The Honourable Sir Alan Parsons : I am afraid I cannot answer that. My knowledge of the detailed working of the Income-tax Act is not such as to enable me to answer it.

Mr. Lalchand Navalrai : It is only for three years that I am asking, not more.

The Honourable Sir Alan Parsons : I am still informed that a great deal of additional work would be required to get this information.

REVENUE COLLECTED AFTER ENHANCEMENT OF THE PRICE OF POSTCARDS AND ENVELOPES.

266. ***Mr. Lalchand Navalrai :** Will Government be pleased to state :

- (a) the approximate figure of gross revenue collected since the recent enhancement in the postal rates of post cards and envelopes ;
- (b) how does this figure compare with the receipts of the corresponding period of the previous year ;
- (c) whether there has been a fall in the number of letters and envelopes as compared with their number in the previous year ; and the extent to which the number has fallen ?

The Honourable Sir Frank Noyce : (a) and (b). The total postage and message revenue collected from January to June, 1932, was

Rs. 410 lakhs as compared with Rs. 390 lakhs collected during the corresponding months of 1931.

(c) There was a fall of about 19 per cent. in the total number of letters handled during the quarter ending 31st March, 1932, as compared with the corresponding period of 1931.

Mr. Lalchand Navalrai : Is there any likelihood in the near future that postcards may be reduced from nine pies to six pies ?

The Honourable Sir Frank Noyce : I think the figures I have given the Honourable Member point to the fact that there are not very great possibilities in that direction. I am naturally unable to give any definite statement on this point at this juncture.

Dr. Ziauddin Ahmad : In view of the fact that the rates were increased by 25 per cent. while the actual income, according to his own figures, has increased by 5 per cent., does not the law of diminishing returns apply to the income of the post office ?

The Honourable Sir Frank Noyce : That is a matter of opinion.

Dr. Ziauddin Ahmad : It is a question of facts and figures and not of opinion. We have increased the postal rates by 25 per cent. and according to the figures just quoted there has been an increase from 390 lakhs to 410 lakhs or an increase of only 5 per cent.

The Honourable Sir Frank Noyce : The figures show that the raising of the rates has checked the fall in revenue.

Mr. Lalchand Navalrai : Is the Honourable Member prepared on this point to give full consideration to this question at the time of the Budget ?

The Honourable Sir Frank Noyce : I think it is obvious, as I have already said, that I cannot give any undertaking at the present moment. The situation requires and is getting very careful watching.

Dr. Ziauddin Ahmad : It has not checked the drop to the extent which was contemplated at the time the Finance Bill was proposed, because while the actual increase in income has been only 5 per cent., the increase in the postal rates was 25 per cent. ?

The Honourable Sir Frank Noyce : I can only repeat that the increase in the rates has checked the fall in revenue and that was its object.

RE-ISSUE OF CLEAN CURRENCY NOTES.

267. ***Mr. Lalchand Navalrai :** Will Government be pleased to state :

(a) whether it is a fact that the Controller of the Currency has issued orders to all the Currency Offices, Treasury Offices and to the branches of the Imperial Bank to re-issue good currency notes as a matter of retrenchment ;

(b) whether the order states that only cut and soiled notes should be cancelled and notes bearing a number of rubber stamp impressions, writings, etc., should be re-issued to the public ; and

(c) if reply to part (b) above be in the negative, whether Government propose to issue immediate orders to all the above offices to re-issue only absolutely clean notes ?

The Honourable Sir Alan Parsons : (a) Yes.

(b) The re-issue of cut, torn or mutilated notes was prohibited ; otherwise it was left to the discretion of currency officers to re-issue such notes as appeared to them to be clean enough for re-issue. Notes bearing a number of impressions or writings would not be re-issued.

(c) No.

Mr. Lalchand Navalrai : I presume the Honourable Member knows of the recent circular of the Currency Office that notes, when returned, will not be accepted if the numbers are not there : that they will not have any value ; if so, I would ask the Honourable Member whether he will be pleased to remove the misunderstanding that that circular has caused to the public and to the Government officers, namely, that they refuse notes on the ground that the circular authorises them to refuse notes which are only soiled or torn only in some places ?

The Honourable Sir Alan Parsons : I was not aware that there was that misunderstanding on the part of the public ; but if there is such a misunderstanding, I will certainly have inquiries made and timely steps taken to remove it. Possibly the Honourable Member's own question and my answer will do so.

Mr. Lalchand Navalrai : May I inform the Honourable Member of my own experience ? In the railway station when I presented a five-rupee note which was only torn in some places—the numbers and all were correct—the note was refused.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member is making a statement.

Mr. Lalchand Navalrai : Therefore I ask that instructions should be issued to make it quite clear.

Dr. Ziauddin Ahmad : Is it not a rule that a note in circulation, when it comes back to the Currency Office, is destroyed ?

The Honourable Sir Alan Parsons : Not at the moment. As I have explained in my answer to this question, as a measure of economy, notes which are merely soiled, but are not too dirty, can be re-issued at the discretion of the currency officer. It is a purely economic measure. In happier times notes which came back to the Currency Offices were not re-issued.

Dr. Ziauddin Ahmad : No doubt : but considering the enormous risk, is it really good economy ?

The Honourable Sir Alan Parsons : I do not think there is any risk.

Dr. Ziauddin Ahmad : There are so many counterfeit notes in circulation on account of this fact—and all notes have therefore to be examined very carefully to see if they are counterfeit or not.

The Honourable Sir Alan Parsons : There is no question of counterfeiting because, as soon as notes come back to Currency Offices,

they are carefully examined and are re-issued only if they are considered good enough for re-issue. Of course they would not re-issue a note which they suspected to be counterfeit.

Dr. Ziauddin Ahmad : Soiled and damaged notes are also sent back again for circulation.

DIVERSION OF ROAD DEVELOPMENT FUND IN MADRAS.

268. ***Mr. K. P. Thampan :** Will Government be pleased to state whether the Government of Madras has made representations for permission to divert a certain portion of the contributions from the Road Development Fund for the maintenance of roads ; if so, for what reasons and what is the amount applied for ?

The Honourable Sir Frank Noyce : Yes ; in March 1932, the Government of Madras, owing to the existing financial stringency, applied for permission to divert from their share in the road development account a sum of rupees three lakhs for the reconstruction and special repairs, necessitated by floods, of certain roads in charge of District Boards, without any stipulation regarding the subsequent restoration of the amount to road development as laid down in the Resolution on the subject adopted by this House on the 3rd October, 1931.

After referring the matter to the Standing Committee on Roads, the Government of India informed the Government of Madras that the stipulation regarding subsequent restoration could not be waived.

Mr. K. P. Thampan : May I ask whether the Madras Government asked for the diversion of this fund on account of financial stringency or on account of the reduction of income from tolls in the Presidency ?

The Honourable Sir Frank Noyce : The reason the Government of Madras gave to the Government of India was, as I stated in my reply, the existing financial stringency.

Mr. K. P. Thampan : Are the Government of India aware that the Madras Government have recently passed what is called the Motor Vehicles Act, which abolished all tolls in the Presidency with the result that the income from tolls which was a very large amount has stopped and, therefore, they are in difficulties in regard to the maintenance of their roads ?

The Honourable Sir Frank Noyce : I have no information on that point, Sir. As the Honourable Member is aware, Roads are a provincial transferred subject, and the Government of India have no concern with them other than in respect of their connection with the Road Development Fund.

Mr. Lalchand Navalrai : Does the Honourable Member know that the Bombay Government have also diverted this amount to other purposes ?

The Honourable Sir Frank Noyce : No, Sir ; I can only say offhand that if the Bombay Government have diverted any sums from the share of the Road Development Fund to special repairs, they must have done so on the condition that they will repay the amount as soon as their financial condition has improved.

Mr. Lalchand Navalrai : Is it not a fact, Sir, that the Provincial Governments have to obtain the sanction of the Government of India before they divert these sums ?

The Honourable Sir Frank Noyce : Yes, Sir, and I presume that if that sanction is necessary, it has been obtained. If the Honourable Member will put down a question, I will make inquiries into the matter.

Mr. Lalchand Navalrai : Was there any intention originally that these sums could be used for any other purpose than for the development of roads ?

The Honourable Sir Frank Noyce : No, Sir ; I have already pointed out that, under the Resolution passed on the 3rd October, 1931, Local Governments are permitted to make diversions to other purposes in connection with roads subject to the condition that there is a subsequent restoration of the amount.

Mr. Lalchand Navalrai : Is that Resolution consistent with the rules made by the Road Committee ? There were rules made for giving money to Provincial Governments. Are those rules consistent with the Resolution passed by this House ?

The Honourable Sir Frank Noyce : I should be glad to have notice of that question. I take it that a Resolution passed by this House overrides any rules which may have been previously made, and that those rules then require alteration.

Mr. K. P. Thampan : May I ask whether the Government will be pleased to suggest to the Madras Government if they again approach the Government of India with a request of this kind that they should, I mean the Madras Government should, revive the tolls and increase their revenues instead of applying for such diversions ?

The Honourable Sir Frank Noyce : It is not our business to suggest to the Government of Madras what course of action they should pursue. All we can do is to draw their attention to the Resolution on the subject which has been passed by this House and to point out that we must adhere to it.

Mr. K. P. Thampan : I know roads are a provincial matter. Supposing a Local Government neglect their roads and make them absolutely impossible to use. Is it not but proper that, under the provisions of the Government of India Act, the Government of India should interfere in a matter like that ? Are not the Local Governments in such matters subject to the supervision, direction and control of the Government of India ?

The Honourable Sir Frank Noyce : The supervision, direction and control of the Government of India only apply to reserved subjects.

RAISING OF THE LIMIT OF POSTAL INSURANCE.

269. ***Mr. K. P. Thampan :** (a) Will Government be pleased to state whether it is a fact that Government have decided to raise the limit of Postal Insurance to Rs. 20,000 on a single life ?

(b) What are the reasons for adopting this course ?

(c) Have Government considered whether their decision will not bring about unhealthy competition between Government and private companies ?

(d) Have Government received a memorial from the Indian Insurance Institute protesting against this ; if so, what action have they taken upon it ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) The maximum limit of insurance hitherto obtaining in the Post Office Insurance Fund was not considered adequate as a family provision for Government servants of the higher ranks.

(c) Yes. The post office fund is available only for Government servants and *quasi*-Government officials, and as both the field of possible competition and the permissible amount of insurance in any one case are thus both strictly limited, while private Companies have an unrestricted field for exploitation, it is considered that no serious or unhealthy competition can occur.

(d) Yes. A reply has been sent on the lines which I have briefly indicated.

Mr. K. P. Thampan : May I ask, Sir, why the insurance amount was hitherto limited to Rs. 5,000 ?

The Honourable Sir Frank Noyce : I presume that that amount was considered sufficient at the time.

Mr. K. P. Thampan : Has this limit been now raised as a result of any representations from their employees ? In other words, did Government receive any memorials from their subordinates for increasing the maximum insurance amount ?

The Honourable Sir Frank Noyce : I must ask for notice of that question, Sir.

Mr. K. C. Neogy : Why is it that the limit has been fixed at Rs. 20,000 ?

The Honourable Sir Frank Noyce : We have to draw a line somewhere.

Mr. K. C. Neogy : If the Honourable Member is anxious to prevent the exploitation of their servants, why draw a limit at all ?

The Honourable Sir Frank Noyce : Because the limit is considered such as is suitable for the employees who avail themselves of these facilities.

Mr. N. M. Joshi : May I ask whether Government propose to give the benefit of this postal insurance to people other than their own employees ?

The Honourable Sir Frank Noyce : No, Sir.

Mr. N. M. Joshi : May I ask, why not ?

The Honourable Sir Frank Noyce : Because that would involve competition with private enterprise.

Mr. N. M. Joshi : May I ask whether the Government of India are established in this country to look after the welfare of the masses in this country or to look after the welfare of the Insurance Companies ?

The Honourable Sir Frank Noyce : The Government of India, Sir, are not established to undertake a very large business in insurance. It is obviously impossible for them to conduct a big commercial business.

Mr. B. V. Jadhav : Is it not desirable, Sir, that the profits should go to the National Treasury rather than to private individuals ?

The Honourable Sir Frank Noyce : That raises, Sir, a very wide question.

Mr. B. Das : In the matter of this postal insurance, are the Government of India guided by the Insurance Act or the credit of the whole of the Government of India is at stake on this insurance business ?

The Honourable Sir Frank Noyce : Government are guided by their interest in the welfare of their employees.

Mr. B. Das : Is it a fact that the Government of India are not guided by the Insurance Act which they themselves have passed ?

The Honourable Sir Alan Parsons : I understand that the security behind these policies is the revenues of the Government of India.

Mr. B. Das : Is it not a fact that the Insurance Act requires Insurance Companies to deposit a certain amount of money with the Government of India to maintain their credit ? So, how is it that in this case the future credit of the Government of India is behind the insurance policies of the Government ?

The Honourable Sir C. P. Ramaswami Aiyar : The position is correctly stated by the Honourable Member. Under the Insurance Act, which was recently passed, it is true that the Insurance Companies have to deposit a certain amount with Government and also make other provisions. So far as this is concerned, it has not been considered necessary or essential to set apart any such sum, because the revenues of India are a security, and I conceive ample security.

Mr. B. Das : May I take it then that the Finance Member does not provide any specific funds for these postal insurance policies, and he always draws on the future credit of the Government of India ?

The Honourable Sir C. P. Ramaswami Aiyar : That was considered unnecessary in the circumstances of the case. I may add that I am in charge of insurance.

Mr. K. C. Neogy : May I know as to how many official Members opposite have allowed themselves to be exploited by private companies and how many of them have insured themselves with the post office ?

The Honourable Sir C. P. Ramaswami Aiyar : I am not in a position to deny the charge and, I may say that I am myself a large insurer in private companies. But it must not be forgotten that I am not really an official.

Mr. K. C. Neogy : What about the Honourable Member in charge himself ? Has he been victimised by private companies too ?

The Honourable Sir Frank Noyce : I have.

Mr. B. Das : Does the Honourable the Leader of the House know that he is a non-official in the matter of insurance and that he is only a temporary official just now ?

The Honourable Sir C. P. Ramaswami Aiyar : I am either joyfully or painfully aware of it.

EXPENSES OF THE INDIAN MILITARY FORCE EMPLOYED DURING THE GREAT WAR.

270. ***Mr. K. P. Thampan :** (a) Will Government be pleased to state what will be the effect of the decision of His Majesty's Government to charge the Indian Revenue with (£13,600,000) the expenses of the Indian military force employed in the War on the budgetary and financial position of the Government of India ?

(b) Have the Government of India agreed to this decision or was the decision taken in spite of their protest ? Will they be pleased to lay on the table the correspondence that passed between them and the Secretary of State ?

(c) Are there any more outstanding claims besides the Capitation Charges pending settlement between the War Office and India ; if so, what are they and how are they going to be disposed of ?

(d) Was there any understanding between His Majesty's Government and the Government of India at the time when the free contribution of £100,000,000 was granted that no further claims will be made on account of military expenses during the War ?

(e) Is it a fact that the question of the contribution of £100,000,000 was mooted in the Assembly under the inspiration of the Secretary of State ?

The Honourable Sir Alan Parsons : (a), (b) and (d). The attention of the Honourable Member is invited to the answer given to the Honourable Mr. Gaya Prasad Singh's starred question No. 75, and the papers laid on the table in that connection.

(c) There are no more outstanding claims pending settlement between the War Office and India except those connected with the capitation charges.

(e) The circumstances in which the contribution of £100 millions was made were explained by the late Sir William Meyer in paragraphs 38 to 50 of his speech introducing the financial statement for the year 1917-18 in the Indian Legislative Council on the 1st March, 1917.

Mr. K. Ahmed : Under what authority was this amount debited to the Indian Exchequer ?

The Honourable Sir Alan Parsons : Sir, I explained the circumstances very fully at a recent meeting of the House. The authority behind this payment of £13,600,000 which was made in 1919-20 was the two Resolutions of the late Imperial Legislative Council.

Mr. K. Ahmed : Where was the authority by the House of Commons passing Resolutions, to take away £13,600,000 and deprive the people of this country of any voice over it ?

The Honourable Sir Alan Parsons : I must really refer the Honourable Member to the explanation I gave in reply to Mr. Gaya Prasad Singh's question. The Resolution of the House of Commons, as I then explained, was merely a formal Resolution regularising a payment made twelve years ago. That payment itself was authorised by the then existing Legislature of India.

Mr. Gaya Prasad Singh : Is it not a fact that the Officials and Nominated Members predominated in the House when this Resolution was passed ?

The Honourable Sir Alan Parsons : The Honourable Member has been a politician longer than myself, and he will know better than I do the answer to his question.

SHUNTING CARRIED ON AT OLAVAKKOT ON THE SOUTH INDIAN RAILWAY.

271. ***Mr. K. P. Thampan :** (a) Will Government be pleased to state whether they are aware that at Olavakkot on the South Indian Railway, shunting is carried on at the western side of the railway station and over the Madras-Calicut Trunk Road and consequently the road traffic is held up at all times ?

(b) Considering the importance of Olavakkot as a junction and the volume of shunting work that has to be done there, is there any proposal to shift the shunting to the eastern side so that road traffic is not disturbed ?

(c) If there is no convenience at present on the eastern side for shunting, how much would it cost to lay the necessary lines ?

Mr. P. R. Rau : (a) No.

(b) and (c). I understand a proposal to remodel the station at a cost of nearly 10 lakhs is under consideration.

RECEIPTS AND EXPENSES OF THE SHORANUR-NILAMBUR SECTION OF THE SOUTH INDIAN RAILWAY.

272. ***Mr. K. P. Thampan :** (a) Will Government be pleased to state whether the South Indian Railway is keeping separate accounts for the receipts and expenses of the Shoranur-Nilambur section ?

(b) If the answer to part (a) is in the affirmative, what are the receipts and expenses per mile according to the latest returns ?

(c) Is there any proposal to reduce the existing rates and fares ?

(d) Is the Shoranur-Nilambur branch treated as a strategic line ? If not, why not ?

Mr. P. R. Rau : (a) Yes.

(b) The receipts in 1931-32 amounted to Rs. 2,884 per mile. The expenses calculated according to the usual formula amounted to Rs. 5,201 per mile.

(c) Government are not aware of any such proposal.

(d) No ; when the line was constructed, it was considered that it would eventually prove remunerative.

Mr. K. P. Thampan : May I ask whether the Government are aware that the Shoranur-Nilambur section has to stand the competition not only of the road traffic, but also of the water traffic which is cheaper than road traffic, and that unless the rates and fares are reduced, there is no chance of that branch becoming a paying concern ?

Mr. P. B. Rau : I shall bring my Honourable friend's suggestion to the notice of the Agent, South Indian Railway.

Mr. K. P. Thampan : May I ask whether the Shoranur-Nilambur section was constructed more for opening up the Moplah tracts than for commercial purposes, and as the line is not also paying, what objection is there to placing it under the category of the strategic lines ?

Mr. P. B. Rau : I believe that it was one of the reasons for constructing the line, but without turning up the old records I am afraid I cannot answer the question fully.

Mr. B. Das : May I enquire whether Madras is in any way a strategic province, or is it only the North West Frontier Province ?

Dr. Ziauddin Ahmad : Will the Honourable gentleman enquire from the Agent of the South Indian Railway what percentage this particular branch line is paying ? It is rather important to know that as the South Indian Railway is otherwise a paying concern.....

Mr. P. B. Rau : At present it is not paying at all.

Dr. Ziauddin Ahmad : But I should like to know what rate of interest it is paying.

Mr. P. B. Rau : At present, as I informed the House, the gross receipts do not cover the working expenses.

FLIGHT OF GOLD FROM INDIA.

273. ***Mr. Gaya Prasad Singh :** (a) Will Government kindly state the total quantity of gold exported from India, since England went off the gold standard ?

(b) What steps, if any, have Government taken, or propose to take to prevent the flight of gold from India ?

The Honourable Sir Alan Parsons : (a) Approximately 10,317,000 fine ounces from the 22nd September, 1931, to the 31st July, 1932.

(b) Government have not considered it desirable to take any steps.

Mr. Lalchand Navalrai : Are Government in need of more gold in England, and are they not going to take steps to stop the outflow of gold ?

The Honourable Sir Alan Parsons : I find it rather difficult to understand exactly what the Honourable Member means by taking steps to stop gold leaving India, because they may require sterling resources in England.

Dr. Ziauddin Ahmad : Will not the Government utilise this golden opportunity to keep some gold in India and increase our gold reserve ? The opportunity will not arise again in the future.

The Honourable Sir Alan Parsons : I can give no understanding that Government will be prepared to buy gold in India at present.

Sardar Sant Singh : May I know what are the gold resources in India as against the Paper Currency reserve ?

The Honourable Sir Alan Parsons : I must ask for notice of that question. I do not carry figures in my head.

Mr. B. V. Jadhav : Has the financial situation of India improved by this export of gold ?

The Honourable Sir Alan Parsons : In my opinion, certainly. Otherwise, we should have been faced with adverse trade balances throughout all the months of this year.

Sardar Sant Singh : May I know what is the percentage of gold reserves to be kept against the paper currency reserve ?

The Honourable Sir Alan Parsons : The Honourable Member must give me notice if he wants details of the various arrangements with regard to currency reserves.

Dr. Ziauddin Ahmad : Since England went off the gold standard, we have expanded our currency by about 53 crores of rupees, and have the gold reserves in India also increased in this proportion ?

The Honourable Sir Alan Parsons : The gold standard reserve, as far as I recollect, at the present moment stands as before at £40 millions.

Mr. Lalchand Navalrai : Is it not a fact that India will be left in possession of only currency notes if all the gold is taken away outside ?

The Honourable Sir Alan Parsons : The Honourable Member forgets that there are very considerable stocks of silver in India. But I should like to point out that the amount of gold exported from India is a very small proportion of India's total holding of gold.

Dr. Ziauddin Ahmad : I did not get an answer to my question. I wanted to know whether the gold resources have increased since September last in India ?

The Honourable Sir Alan Parsons : I am afraid the Honourable Member must give me notice of his question. I had no reason to anticipate that it would arise on a simple question dealing with the amount of gold exported, and I cannot commit myself to a definite reply, without looking up the figures.

Dr. Ziauddin Ahmad : I thought the Finance Member ought to know the simple fact whether during the last year the Government of India have or have not added to their gold reserve in India. The man in the street knows about it.

Mr. B. V. Jadhav : Have the Government of India added to their gold reserves in England ?

The Honourable Sir Alan Parsons : The Honourable Member must, I am afraid, give me notice of these questions with regard to the reserves.

AJMER MUNICIPAL COMMITTEE.

274. ***Mr. Gaya Prasad Singh :** (a) Are Government aware that Mr. B. S. E. Gow was elected a member of the Ajmer Municipal Committee ?

(b) Is it a fact that the Notification as issued by the Local Government and published in the Gazette of India of 8th April, 1932, regarding the election of Mr. B. S. E. Gow bore the date 30th March, 1932 ?

(c) Is it a fact that by paragraph 2 of the said Notification Mr. B. S. E. Gow's term of office as a member of the Ajmer Municipality was to commence from 1st April, 1932 ?

(d) Is it a fact that Mr. B. S. E. Gow took part in the proceedings of the Ajmer Municipal Committee of the 1st April, 1932 ?

(e) Is it a fact that the notice of, and the agenda for, the meeting of the Ajmer Municipal Committee held on the 1st of April, 1932, was issued to Mr. B. S. E. Gow on the strength of an advance copy of the Notification referred to in part (b) above sent to the Ajmer Municipal Office under the Commissioner, Ajmer-Merwara's endorsement No. 4831/XI-70-A. of 31st March, 1932, and on the strength of the telephonic communication made for the purpose by Mr. E. C. Gibson, Commissioner, Ajmer-Merwara, Ajmer, to the Executive Officer, Ajmer Municipal Committee on 31st March, 1932 ?

(f) Is it a fact that a non-official Indian Mr. Hem Chandra Sogani was elected Chairman of the Ajmer Municipal Committee against Lt.-Col. Howson, at the meeting held on 1st April, 1932 ?

(g) Is it not a fact that a non-official Indian was elected Chairman this year after a lapse of full 13 years ?

(h) Is it a fact that the proceedings of the Ajmer Municipal Committee held on 1st April, 1932, including the election of Mr. Hem Chandra Sogani as its Chairman have been annulled by the Local Government ?

(i) Is it a fact that, along with the annulment of the proceedings of the meeting of the Ajmer Municipality held on 1st April, 1932, para. 2 of the Notification referred to in part (b) above specifying the date from which Mr. B. S. E. Gow's term of membership of the Ajmer Municipal Committee was to commence, was also annulled ?

(j) Is it a fact that annulment of para. 2 of the Notification specifying the date of Mr. B. S. E. Gow's term of membership of the Ajmer Municipal Committee, was a necessary step for annulling the proceedings of the Ajmer Municipal Committee held on 1st April, 1932, including the election of Mr. Hem Chandra Sogani, the non-official Indian Chairman ?

(k) Is it a fact that Mr. S. F. Madden, C.I.E., O.B.E., was nominated Chairman of the Ajmer Municipal Committee by the Local Government by Notification bearing date 20th April, 1929, and published in the Gazette of India of 4th May, 1929 ?

(l) Is it a fact that an advance copy of this Notification was sent by the Commissioner to the Ajmer Municipal Office and that Mr. S. F. Madden began working as a Chairman on the receipt of this advance copy of the notification and summoned meetings and transacted business long before the said Notification was published in the Gazette ?

(m) Is it a fact that the Local Government did not take any steps nor did they annul any of the proceedings taken by Mr. Madden before his Notification was published in the Gazette ?

(n) Will Government please state what cogent reasons led the Local Government to annul the proceedings of the Ajmer Municipal Committee held on the 1st April, 1932, and why was the same procedure not adopted in the case mentioned in parts (l) and (m) above ?

Mr. H. A. F. Metcalfe : (a) Yes.

(b) Yes.

(c) Yes.

(d) Yes.

(e) This is substantially correct, except that a copy of a communication intimating that the Notification was being issued was sent with the endorsement in question and not a copy of the Notification itself.

(f) Yes.

(g) No. Diwan Bahadur Pandit G. R. Khandekar was elected Chairman on the 1st April, 1920, and worked as such for three years.

(h) Yes.

(i) Yes.

(j) The cancellation of paragraph 2 of the Notification was necessary, because it was not in conformity with the provisions of the Ajmer-Merwara Municipalities Regulation VI of 1925. The Regulation provides that the term of office of an elected member shall commence from the date of the Notification of his election, and "notification" is defined as meaning a Notification published in the official Gazette. As the Notification relating to Mr. Gow's election was not published in the Gazette of India till the 8th April, 1932, Mr. Gow's term of office could not commence before that date.

(k) Yes.

(l) A copy of the Notification was sent to the Municipal Committee on the 24th April, 1929, and it appears that Mr. Madden exercised the functions of Chairman after that date.

(m) Yes.

(n) The proceedings which took place on the 1st April, 1932, were annulled as the result of an objection made by a member of the Committee to the Local Administration, as it was found that they were not in conformity with law, Mr. Gow having—through a misapprehension of the law—taken part in the elections of the Chairman and Vice-Chairman before the commencement of his term of office as a member. No such objection was made in the case referred to in parts (l) and (m) of this question and, therefore, any technical irregularity which may have occurred was not brought to the notice of the Local Administration.

Mr. Gaya Prasad Singh : Is it not a fact that Mr. Gow attended the meeting in pursuance of the notice which was sent to him under the direction of the Chief Commissioner of Ajmer-Merwara ?

Mr. H. A. F. Metcalfe : As I have already explained in answer to the main question, Mr. Gow attended through a misapprehension of the law and his attendance was therefore irregular.

Mr. Gaya Prasad Singh : May I take it that this misapprehension of the law took place in the case of the Chief Commissioner of Ajmer-Merwara who requested Mr. Gow to attend ?

Mr. H. A. F. Metcalfe : I cannot add to what has been already stated in the main answer to this question, but I understand that there was some mistake over the publication. It was not published at the right time, and, therefore, Mr. Gow's attendance was irregular.

MUHAMMADAN REPRESENTATION ON THE AJMER MUNICIPAL COMMITTEE.

275. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that there are four seats reserved for exclusive Muhammadan representation on the Ajmer Municipal Committee ?

(b) Is it a fact that in addition to these four reserved seats, one Muhammadan, namely, Seth Abdul Latif Allarkha, was returned as a member at the election of 1931, of the Ajmer Municipal Committee from a general constituency ?

(c) Is it a fact that, in spite of there being five Muhammadan elected members, a sixth one, namely, Khan Bahadur Abdul Wahid Khan, Public Prosecutor and Government Pleader, has been nominated by the Local Government to be a member of the Ajmer Municipal Committee ?

(d) If the reply to part (c) be in the affirmative, will Government state which minority, as required by section 8 (1) (2) (ii) of Ajmer Municipalities Regulation of 1925, does he represent ?

(e) Are Government aware that he is the leader of the party which has been always in favour of the election of a European as Chairman of the Municipality ?

Mr. H. A. F. Metcalfe : (a) Yes.

(b) Yes.

(c) Yes.

(d) The Muhammadan community. The Muhammadan population of Ajmer is now 34 per cent. of the total population of the city, and as only five of the 17 elected members were Muhammadans it was considered advisable to nominate one Muhammadan gentleman to secure adequate representation for this community.

(e) Government have no information on this point.

Sardar Sant Singh : May I know what is the total number of the municipalities ?

Mr. H. A. F. Metcalfe : Does the Honourable Member mean the total number of electors or the total number of the population ?

Sardar Sant Singh : Total number of members of the municipality, both nominated and elected ?

Mr. H. A. F. Metcalfe : I do not think that is stated here, but there are 17 elected members. The number of nominated members is not stated. I will procure the exact information if the Honourable Member wishes.

Dr. Ziauddin Ahmad : Are the Government aware that there existed no party in Ajmer which is always in favour of electing a European Chairman, and hence the question of leadership of an imaginary party does not arise ?

Mr. H. A. F. Metcalfe : That appears to be the position, but if the Honourable Member wishes for exact information, I would secure it for him.

DISPROPORTIONATE REPRESENTATION ON AJMER MUNICIPAL COMMITTEE.

276. ***Mr. Gaya Prasad Singh :** (a) Is it fact that Khan Sahib A. N. David has been nominated as a member of the Ajmer Municipal Committee by the Local Government to represent the depressed classes in Ajmer ?

(b) Is it not a fact that the said Mr. David is a Christian ?

(c) Will Government state the reasons which prevailed with the Local Government to nominate a Christian to represent the depressed classes ? Are Government aware that there is no dearth of educated members of the depressed classes in Ajmer ?

(d) Is it not a fact that the population of Europeans and Anglo-Indians in the city is less than 1 per cent. of the total population of Ajmer ?

(e) Are Government aware that the representation given to these communities on the committee is nearly 25 per cent. of the Committee's strength ?

(f) Is it not a fact that the rules fixing the proportion of representation of the various communities to the Committee were framed as far back as 1871 ?

(g) If the reply to part (e) be in the affirmative, will Government state the reason for allowing such high and disproportionate representation to one community at the expense of the other communities ?

(h) Are Government taking any steps to revise these rules ?

Mr. H. A. F. Metcalfe : (a) Yes.

(b) Yes.

(c) Efforts were made to find a representative of the depressed classes from their own ranks, who could suitably be nominated, but without success.

(d) No.

(e) No. There are four Europeans and Anglo-Indians out of a total of 21 members.

(f) The present rules were framed in 1901.

(g) Does not arise.

(h) The answer is in the affirmative.

Mr. Gaya Prasad Singh : Are not the depressed classes part of the Hindu community and why was not a Hindu asked to represent the depressed classes ?

Mr. H. A. F. Metcalfe : That question is hardly one for the Foreign and Political Department to answer.

Mr. Gaya Prasad Singh : To which Department does the subject belong ? I am asking the Government, not any particular Department ?

Mr. H. A. F. Metcalfe : It is a large question of policy. The Honourable Member had better address his question to the Honourable the Home Member. I do not think I am in a position to answer that.

Dr. Ziauddin Ahmad : Is it not a fact that Mr. Rajah, the representative of the depressed classes, has continuously demanded communal representation in the services for the depressed classes ?

Mr. H. A. F. Metcalfe : The Honourable Member was himself present and no doubt he heard what the Honourable Member (Mr. Rajah) said.

ENGAGEMENT OF A THEATRICAL COMPANY AT DELHI FOR ANTI-CONGRESS PROPAGANDA.

277. ***Mr. Gaya Prasad Singh :** Is it a fact that a theatrical company in Delhi was engaged by the authorities to stage an anti-Congress propaganda play in Delhi, and some other villages ? Was its tour programme drawn up under official supervision ? What subsidy, or any other form of assistance was given to it by Government ?

The Honourable Mr. H. G. Haig : The answer to the first two portions of the question is in the negative. A Theatrical Company organised by an unofficial agency asked for adequate police arrangements to be made and this assistance as well as general encouragement was given to them.

PROSECUTION OF CERTAIN PERSONS IN DELHI FOR ALLEGED ASSISTING OF CONGRESS ACTIVITIES.

278. ***Mr. Gaya Prasad Singh :** Is it a fact that a few young men were prosecuted about July, 1932, before the Additional District Magistrate of Delhi, under section 17-A, Criminal Law Amendment Act, or any other law, for alleged assisting of Congress activities, by protesting against the staging of certain scenes of a play staged at the Rawshan Theatre in Delhi ? How did the case terminate ? What was the play about ; and have Government or Government officials in any way assisted in the production of this play ?

The Honourable Mr. H. G. Haig : Seven persons were arrested in July, 1932, and prosecuted under section 17 (1), Criminal Law Amendment Act, for shouting Congress slogans while the play was being staged at the Roshan Theatre, Delhi. Out of these, one tendered an apology and the case against him was withdrawn, while the remaining six pleaded guilty and were convicted.

The play was of a historical and political nature and was calculated to expose the unwisdom of the civil disobedience movement.

Mr. Gaya Prasad Singh : Are Government aware of the fact that this sort of anti-Congress propaganda under the auspices of Government tends to strengthen the popular belief that the Government are really afraid of the Congress, and creates quite the opposite effect to what is intended by Government ?

The Honourable Mr. H. G. Haig : No, Sir. I hope the Honourable Member does not wish to deprive the Government of such a modern and non-violent weapon.

Sardar Sart Singh : Does not the Government by this method provoke retaliation by the other party and send them to jail ?

The Honourable Mr. H. G. Haig : I am a great believer in propaganda.

Sardar Sant Singh : My question is that Government by entering into this field of propaganda provoke retaliation by the other party ?

The Honourable Mr. H. G. Haig : I admit that the power of the Government is considerably greater than that of the Congress.

Mr. Gaya Prasad Singh : If he is such a believer in propaganda, why does he prevent Congress propaganda ?

The Honourable Mr. H. G. Haig : I referred to propaganda as a Government weapon.

Mr. B. R. Puri : Did anybody go to see this wholesome play at all ?

The Honourable Mr. H. G. Haig : I have no information about that.

Mr. B. R. Puri : Was the admission free ?

The Honourable Mr. H. G. Haig : I cannot say.

Mr. K. C. Neogy : Were any sweetmeats provided for the audience ?
(Laughter.)

PREACHING OF BOYCOTT UNCONNECTED WITH ANY UNLAWFUL ASSOCIATION.

279. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to the judgment delivered on or about the 21st July, 1932, by Justice Sir Vepa Ramesam, Madras, in the Narsapur "Buy Indian League" case, in which the accused Mr. Iswarudu was sentenced to 6 months' imprisonment and fine for advocating boycott by means of placards and shouting slogans, under Section 17 (1), Criminal Law Amendment Act, for assisting in the operation of an unlawful association, *viz.*, the Congress ?

(b) Are Government aware that in the course of the judgment, the High Court held that "mere preaching of boycott did not amount to assisting the operations of an unlawful association," that "a man may individually advocate boycott without even knowing the existence of any unlawful association, or without thinking of helping the operations of such an association," and that "there must be some connection proved between the person and the unlawful association before it could be said that the person was assisting in its operations. Mere identity of objects was not enough" ?

(c) If so, do Government propose to call for the records of such cases at least in the centrally administered areas, in which persons have actually been sent to prison or otherwise punished for the mere preaching of boycott, without any proof being adduced of their connection with the Congress ?

The Honourable Mr. H. G. Haig : (a) Yes.

(b) The Honourable Member is apparently quoting from press reports which are incomplete and do not reproduce the exact words of the judgment.

(c) No.

Mr. Gaya Prasad Singh : Will Government be pleased to lay on the table of the House the exact words of the judgment ?

The Honourable Mr. H. G. Haig : I shall be very glad to place a copy of the judgment in the Library. I think perhaps it would not be necessary to have it printed up in the proceedings of the House.

Rao Bahadur B. L. Patil : Will Government kindly make a statement with regard to the "Buy Indian Leagues" throughout the country ?

The Honourable Mr. H. G. Haig : Would the Honourable Member mind repeating his question ?

Rao Bahadur B. L. Patil : Will Government make a statement regarding the "Buy Indian Leagues" throughout the country ?

The Honourable Mr. H. G. Haig : I do not know what kind of statement the Honourable Member expects me to make.

Rao Bahadur B. L. Patil : I hope the Government are aware that these "Buy Indian Leagues" are not political bodies. In view of that fact, are Government ready to make a statement as to their legality ?

The Honourable Mr. H. G. Haig : Government, Sir, have not the slightest objection to any activities of a non-political character.

Rao Bahadur B. L. Patil : Are not Government aware that many persons taking part in the "Buy Indian Leagues" have been hauled up, arrested and put into prison ?

The Honourable Mr. H. G. Haig : The "Buy Indian Leagues", Sir, are marginal institutions. Some of them, I have no doubt, confine their activities solely to the promotion of Swadeshi enterprise. Others, I should imagine, are mainly interested in promoting the Congress programme.

Sardar Sant Singh : In view of the judgment of the Honourable Judges of the Madras High Court, are the Government prepared to revise and review the cases of those who have been convicted in the lower courts on account of these activities and have not appealed and are still in jail ?

The Honourable Mr. H. G. Haig : No, Sir, it is always open to a convicted person to approach the courts.

Mr. B. R. Puri : But if the time of limitation is gone, what is the remedy ? Now that the Government have come to know that their conviction was not strictly legal, is it not up to the Government to take suitable steps to see that justice is done in their cases ?

The Honourable Mr. H. G. Haig : I cannot accept the view that no convictions of this kind were legal.

Mr. B. R. Puri : If the opinion of the High Court is worth anything, does it not inform the Government that in this case the conviction was legally bad, and in similar cases where previously convictions have taken place on the same basis, is it not for the Government to see that these people are liberated and released ?

The Honourable Mr. H. G. Haig : I am afraid Government cannot undertake to review all past convictions in view of a particular decision of a particular High Court.

Sardar Sant Singh : May I then presume that Government are in favour of keeping persons, who have been convicted on some misapprehension of law in jail, in spite of the knowledge of the judgment of the High Court ?

The Honourable Mr. H. G. Haig : No, Sir. I would once more refer the Honourable Member to my original answer in which I said that the Honourable Member was apparently quoting from press reports which are incomplete and do not reproduce the exact words of the judgment. My own view is that the words that he has reproduced go somewhat beyond the actual words of the judgment ; but I am quite prepared to lay a copy of the judgment in the Library and then the Honourable Member can pursue the matter further.

Mr. Gaya Prasad Singh : If the Honourable Member has seen the judgment, it is surely up to him to reproduce those passages on the floor of the House just now and point out in what respects my quotation was inaccurate ?

The Honourable Mr. H. G. Haig : It is a very long judgment, Sir. I am not sure that I can immediately on the floor of the House produce the exact discrepancies, but I have been through the judgment.

Mr. B. R. Puri : So far as the main point is concerned, is the Honourable Member prepared to state how far facts stated in the question are correct or otherwise ?

The Honourable Mr. H. G. Haig : I think it undoubtedly goes beyond the purport of the judgment and suggests a more sweeping statement than will be found in that judgment.

Sardar Sant Singh : Surely the Honourable Member after going through the text of the judgment has formed his opinion on the legality of convictions ; and in case he is of opinion that the legality is not clear, will he be prepared to take steps to release those men ?

The Honourable Mr. H. G. Haig : Sir, it is not for me to form opinions as to the legality of a ruling of the Madras High Court.

Mr. B. R. Puri : Is the Honourable Member aware that it will promote the confidence of the people if the Government of India *suo motu* were to take the initiative and see that those people, who have been on similar facts convicted, are released ?

The Honourable Mr. H. G. Haig : No, Sir. I do not think that there is any occasion for reviewing cases that have already been decided. I am not even aware that the judgment to which the Honourable Member refers has laid down any new principle.

HOISTING OF CONGRESS FLAGS OVER PRIVATE BUILDINGS.

280. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to the judgment of the Chief Justice, and Justice Nana-vaty, of the Bombay High Court, delivered on or about the 22nd July, 1932, in which the High Court set aside the order of the City Magistrate of Ahmedabad, imposing a fine of Rs. 1,000 (which was realized by the sale of his car) on Dr. Balwantrai Narsilal Kanuga, on the charge of assisting the operations of an unlawful body, *viz.*, the Congress, under Section 17 (1), Criminal Law Amendment Act, by refusing to remove the Congress flag flying over his house in January last—the High Court holding that “neither the Congress, nor the hoisting of the Congress flag had been declared unlawful” ?

(b) If so, are Government aware that such unlawful and forcible removal of the Congress flag has taken place almost everywhere in India ;

and do Government propose to call for the records of such cases, at least in the centrally administered areas, in which persons have actually been punished for hoisting Congress flags over private buildings, or such flags have been forcibly removed ?

The Honourable Mr. H. G. Haig : (a) I have seen a copy of the order of the High Court and the reference of the Sessions Judge on which it is based. The effect of these, as I understand them, is that the question whether the flying of the flag is an offence depends on the facts and circumstances.

(b) Does not arise.

Mr. Gaya Prasad Singh : Are Government aware that the District Magistrate of Muzaffarpore ordered the Congress flag to be forcibly removed from the office of the Khaddar Bhandar—the Bihar Branch of the All-India Spinners Association at Muzaffarpore ?

The Honourable Mr. H. G. Haig : Is that the case to which the Honourable Member is referring ?

Mr. Gaya Prasad Singh : I am referring to another case which took place at Muzaffarpore.

The Honourable Mr. H. G. Haig : I am not aware, Sir.

Mr. Gaya Prasad Singh : Are Government aware that the Honourable Member's predecessor in office stated on the floor of the House that the Congress flag or any other flag has not been declared illegal by the Government and that it is not seditious to fly such a flag ?

The Honourable Mr. H. G. Haig : I understand that it has been stated that the flying of the Congress flag is not necessarily an offence and that I think is clear from the judgment.

Mr. K. C. Neogy : Will the Honourable Member consider the desirability of declaring both the Bombay and the Madras High Courts "unlawful associations" ? (Laughter.)

The Honourable Mr. H. G. Haig : I do not quite understand how the point arises.

Mr. K. C. Neogy : When the Honourable Member will think over the matter calmly, he will be able to see the relevancy of the question.

The Honourable Mr. H. G. Haig : I am afraid I am not so acute as the Honourable Member. (Laughter.)

SEIZURE OF ACCOUNT BOOKS OF A BOMBAY MERCHANT BY INCOME-TAX AUTHORITIES FOR ALLEGED FALSE DECLARATIONS.

281. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that the Income-tax authorities of Bombay seized and carried away account books and papers of Mr. Soorji Vallabdas, a well-known Bombay merchant, in his absence in October last, on the allegation that the said merchant had made false declarations to the Income-tax authorities, and defrauded Government to the extent of about Rs. 2 lakhs ; but the Chief Presidency Magistrate of Bombay passed orders in July directing the return of all account books and papers, as it was proved later that there was no foundation for the allegation made against the merchant ?

(b) If so, have all the books and papers been returned to him ; and what punishment has been awarded to the Income-tax people who were concerned in this seizure of papers ? Has any compensation been paid to the merchant for the trouble, expense, and harassment caused to him ? If not, why not ?

The Honourable Sir Alan Parsons : (a) No. The Income-tax Department did not seize or carry away the documents in question. They were seized by the police under a search warrant from the Chief Presidency Magistrate, Bombay, and kept in police custody. The documents in question were subsequently returned by the Chief Presidency Magistrate, because the Commissioner of Income-tax quashed the sanction granted by the Assistant Commissioner of Income-tax for the assessee's prosecution. He did so, not because there was any proof that the assessee concerned was innocent, but because he considered that there was not sufficient proof that he was guilty.

(b) As already stated, the documents have been returned. The Income-tax officials who were concerned in the application for a search warrant acted in good faith in the discharge of their duties and no punishment has been, or will be, awarded to any one. I am not aware of any grounds for awarding compensation to the merchant, nor am I satisfied that the seizure of the documents in question by the police was unnecessary.

Mr. Gaya Prasad Singh : May I know at whose instance the search warrant was issued by the Magistrate ?

The Honourable Sir Alan Parsons : At that of the Assistant Commissioner of Income-tax.

Mr. Gaya Prasad Singh : What were the grounds before the Assistant Commissioner of Income-tax to move the Magistrate to issue the search warrant in question ?

The Honourable Sir Alan Parsons : I do not know the reasons in detail, but the general grounds are stated in (a) of the Honourable Member's question.

Mr. B. Das : Do I take it that the Income-tax Commissioner was not guided in the action taken by the political views of the assessee—because he is a prominent Congress man of Bombay ?

The Honourable Sir Alan Parsons : I am perfectly certain, Sir, that he cannot have been guided by any such considerations....

Mr. Gaya Prasad Singh : Does not that prove that the Income-tax Commissioner is to-day vested with too much power, and that the contention of this side of the House that in such matters the permission of the High Court should be taken is correct ?

The Honourable Sir Alan Parsons : I am not aware, Sir, that the opinion which the Honourable Member mentions is the opinion of the House as a whole.

Mr. B. R. Puri : Would the Honourable Member draw the attention of the House to some provision of the Income-tax Act or of any other Act known to him under which an Assistant Commissioner of

Income-tax could ask the police or a Magistrate to go and have the premises of a private individual searched ?

The Honourable Sir Alan Parsons : If the Honourable Member is referring to the question whether the Assistant Commissioner of Income-tax had a legal right to ask the Commissioner of Police to issue a search warrant, I am afraid I must ask him for a notice.

Mr. B. R. Puri : I give the notice.

Mr. Gaya Prasad Singh : Do I understand the Honourable Member to say that this gentleman was found innocent of the charges that were preferred against him at the instance of the Income-tax Officer ?

The Honourable Sir Alan Parsons : No, Sir. As I said, the Commissioner of Income-tax quashed the sanction granted by the Assistant Commissioner of Income-tax for the assessee's prosecution. He did so, not because there was proof that the assessee concerned was innocent, but because he considered that there was not sufficient proof that he was guilty.

Mr. Gaya Prasad Singh : If there was not sufficient proof to warrant his conviction, why did the Income-tax authorities take it upon themselves the responsibility of moving the Magistrate to issue a search warrant ?

The Honourable Sir Alan Parsons : Because the Assistant Commissioner of Income-tax considered that it was a sufficient proof.

Mr. Gaya Prasad Singh : But he was mistaken, as appeared from the judgment of the Court ?

The Honourable Sir Alan Parsons : It is human to err sometimes, Sir.

FIRST CLASS ACCOMMODATION ON THE NORTH WESTERN RAILWAY.

282. ***Mr. B. R. Puri :** (a) Are Government aware that the North Western Railway authorities have marked as " first " class a second class coupe compartment in Coach No. 288, compartment " A " ?

(b) Is it a fact that a compartment is marked as a first class compartment only if it provides the standard and usual comfort and convenience provided generally in a first class compartment and not because the Railway (for want of accommodation or other reasons) arbitrarily choose to describe a compartment as first class, when it is in fact a second class compartment ?

(c) Do Government propose to see that the North Western Railway authorities give the full money's value to the travelling public and not charge them for first class accommodation by providing only second class comforts ?

(d) Are Government aware that the coach containing such a compartment is daily running between Lahore and Kalka ?

(e) Are Government aware that a claim for refund has been made by two 1st class passengers who were made to travel in the said compartment in spite of their protests and that this incident might lead to litigation in Court ?

Mr. P. R. Rau : (a), (b) and (c). The Agent, North-Western Railway, reports that carriage No. 288 was originally a composite first and second class and that some years ago it was, by suitable alterations, converted into a first-class carriage. Having been built in 1911, the carriage is possibly not up to the standard of comfort available in carriages built in recent years.

(d) I understand that the carriage does not now run on the Lahore Kalka mail train.

(e) I am informed that a claim has been made.

MURDER OF AN INDIAN LADY ON THE NORTH WESTERN RAILWAY.

283. *Mr. B. R. Puri : (a) Are Government aware that a very sad and serious case of murder of an Indian lady of high position—wife of a retired Superintending Engineer, Punjab Irrigation Department, has recently occurred between Patiala and Rajpura Railway Stations while she was travelling in a North Western Railway train on the night between the 18th and the 19th June, 1932 ?

(b) If not, will Government be pleased to give any reason why a serious crime committed upon a lady travelling alone during night should not have been brought to the notice of Government at once, and are Government prepared to consider the desirability of crimes of this class being reported immediately to them in future ?

Mr. P. R. Rau : The Agent, North Western Railway, sent a report of this unfortunate occurrence to the Railway Board on the 30th June, after he had received the police report.

MURDER OF AN INDIAN LADY ON THE NORTH WESTERN RAILWAY.

284. *Mr. B. R. Puri : Are Government aware :

- (i) that the lady who was murdered on the night of 18th June, 1932, between Rajpura and Patiala on the North Western Railway, was travelling alone in a second class compartment in the through bogie carriage running between Samasata and Kalka and that the Guard of the said train was aware of this ;
- (ii) that she was seen quite safe up to Patiala before the train left that station ;
- (iii) that she was found in an unconscious state lying along the railway track just outside the Rajpura station yard in the Patiala direction at 1-30 A.M. on the 19th June, by an engine driver who was engaged in shunting his train at the time and who reported the matter to the station authorities immediately ;
- (iv) that there were indications of a struggle inside the compartment ;
- (v) that the through carriage in question was behind the brake at the extreme rear of the train forming its tail and that there was one continuous footboard running all along the length of the carriage like they were in the old pattern carriages ?

Mr. P. R. Rau : (i) The police report to which I have just referred indicates that the lady was travelling alone, but I am informed that the Guard was not aware of this fact.

(ii) and (iii). Yes, except that she was found just near the railway platform.

(iv) There is a statement in the police report that there are no marks on the body of violence or to indicate that she was forcibly thrown out of the train.

(v) The carriage which was the last vehicle on the train was not fitted with a continuous foot-board.

Mr. B. R. Puri : Is the Honourable Member aware that this carriage was put at the rear of the train and that the guard could not but be aware that this lady was travelling there ?

Mr. P. R. Rau : I know, Sir, that the carriage was put at the end of the train.

MURDER OF AN INDIAN LADY ON THE NORTH WESTERN RAILWAY.

285. ***Mr. B. R. Puri :** (a) Are Government aware that the lady who was murdered on the North Western Railway between Rajpura and Patiala on the night of the 18th June, 1932, was not picked up promptly from the place where she was first discovered by the engine driver and that when she was brought to the railway station she was first sent to the railway dispensary and later removed to the Patiala State dispensary, that there was no suitable arrangement to attend to a case of this kind at the Rajpura Railway dispensary and that the lady remained in a neglected condition without any treatment until the relatives came and removed her at 8.45 P.M. on the 19th June, i.e., nearly 20 hours after she was thrown out of the train ?

(b) Are Government aware that the medical arrangements at Rajpura were simply disgraceful—she was lying on a dirty bed in a room without a punkha—and not a soul within shouting distance—with a corkless bottle lying near her and that she was found in this state by her relative who was first to reach Rajpura ?

(c) Are Government aware that the through carriage was shunted off and placed as usual in the station yard where it remained for more than an hour and a half before it was attached to the Kalka Mail from Lahore ?

(d) Are Government aware that it is claimed by the police and the station staff that an attempt was made to find out the identity of the lady by searching the train which had arrived from Samasata and the Kalka Mail also which had come from Lahore, but that it occurred to no one to search the through Samasata Kalka bogie carriage which had been placed somewhere in an extensive yard unguarded by anybody ? Are Government aware that the luggage and other things belonging to the lady were in the said carriage ?

(e) Will Government please state why the lady in such a critical condition was allowed to remain at Rajpura in a neglected condition and not removed at once either to Lahore or at least to Ambala for proper medical treatment and why even the District Medical Officer of the North Western Railway was not informed of this occurrence ?

(f) Are Government aware that the unfortunate lady's relatives on reaching Rajpura and seeing the condition under which the patient was lying asked for the use of the station phone at 4 P.M. on the 19th June, to phone to Ambala in order to call the Civil Surgeon and a nurse and that the Controller refused the use of the phone ?

(g) Are Government aware that on account of these delays the lady could not be brought to Ambala till 11 P.M. and died in the Civil Hospital there on the next afternoon ?

(h) Are Government aware that the case has created a considerable amount of uneasiness amongst the higher class Indians, and are Government prepared to give an assurance that sufficient and strong measures will be adopted in future so that the lives of the public in general and Indian ladies in particular when travelling at night are not exposed to such danger and to such callous treatment while in a dying state ?

Mr. P. R. Rau : (a) The Agent, North Western Railway, reports that the engine driver, who was the first person to see the lady lying unconscious, left his fireman with her and immediately reported the matter to the Station Master on duty. The latter informed the police and without any avoidable delay accompanied them to the site with a stretcher on which the lady was carried to the Railway dispensary where first aid was given by the Railway Sub-Assistant Surgeon. In view of her condition, the Sub-Assistant Surgeon arranged for her immediate removal to the Patiala State hospital in which there was accommodation for in-patients and where she was attended to by the State medical authorities.

(b) Government are not aware of the medical arrangements in the Patiala State hospital at Rajpura.

(c) The carriage was detached from the train and placed in a siding at 2-20 A.M. It was attached to the Lahore-Kalka mail at 3 A.M.

(d) The Assistant Inspector General, Government Railway Police, Punjab, reports that the Samasata through coach remained at Rajpura until 3-2 hours, but that it was not searched there. Departmental inquiries into allegations of neglect of duty or carelessness on the part of the Railway Police have been postponed pending the completion of judicial proceedings now instituted. The answer to the last part of the question is in the affirmative.

(e) The station staff assisted the police in arranging for the lady to be removed to the nearest hospital where there was provision for receiving indoor cases, and obviously could not take further action afterwards. The hospital is outside the jurisdiction of the Railway's District Medical Officer.

(f) There is no direct railway telephone connection between Rajpura and Ambala. The Station Master complied with a request for a message to be sent to Ambala for medical assistance, through the Control telephone at Delhi Station.

(g) I am informed that the lady was removed by her relatives to Ambala where she was under the Civil Surgeon's treatment and died later as a result of the injuries she had received.

(h) From the answers given by me, I hope my Honourable friend will agree that there is nothing to indicate callousness on the part of the Railway staff and the police in their handling of this case as soon as the matter came to their notice. As regards precautionary measures against risks of this kind, I believe arrangements exist at present for passengers locking themselves in at night to prevent the entry of intruders.

Mr. B. R. Puri : Do I take it that the Government are not aware as to what medical arrangements exist in the Patiala hospital at Rajpura ?

Mr. P. R. Rau : Yes, Sir.

Mr. B. R. Puri : Under the circumstances, do the Government feel justified that they should have sent an injured lady, who was picked up under such conditions, to a hospital regarding the arrangements of which the Government do not know whether the patient could get adequate treatment or not ?

Mr. P. R. Rau : The arrangements are presumably good, but the Government are not aware of them. The people on the spot thought that it was in the best interests of the lady that she should be removed to the nearest hospital.

Mr. B. R. Puri : May I ask the Honourable Member whether in the face of his statement that they did not know as to what precise arrangements existed in the Rajpura hospital, whether it did not amount to carelessness on the part of the local authorities to send such a case to an unknown hospital and not to Ambala or Lahore ?

Mr. P. R. Rau : I have informed the House that the Government are not aware of the arrangements, but it does not follow that the Station staff of Rajpura were not aware of the arrangements that existed at this hospital.

Mr. B. R. Puri : Have the Government taken note of the fact that at that beautifully equipped hospital at Rajpura there was not even a soul within a shouting distance ?

Mr. P. R. Rau : I am afraid it is not within the province of Government to inquire into the arrangements that exist in the hospital of an Indian State.

Mr. Gaya Prasad Singh : Why was not medical assistance rendered to the lady at the Rajpura Railway dispensary which, I believe, is a Government dispensary ?

Mr. P. R. Rau : Medical aid was rendered but, in view of her condition, the Sub-Assistant Surgeon arranged for her immediate removal to the Patiala State hospital in which there was accommodation for in-patients and where she was attended to by the State Medical authorities.

Mr. Gaya Prasad Singh : If adequate medical accommodation was available at the Rajpura Railway hospital, why was it thought necessary to remove the lady to the State hospital ?

Mr. P. R. Rau : Because there was no accommodation for the in-patients. The Sub-Assistant Surgeon gave her the first aid and immediately after that removed her to the nearest hospital.

Mr. B. R. Puri : Are the Government aware that the request for using the 'phone was, in the first instance, refused by the Controller and that it was a later attempt which succeeded ?

Mr. P. R. Rau : My information which I have already given to the House is that the Station Master did comply with the request to send a message to the Station Master of Ambala.

Mr. B. R. Puri : Was any step taken to communicate this fact to the Chief Medical Officer that a lady under such conditions has been picked up there and that she was almost dying ?

Mr. P. R. Rau : I understand that the Station staff did not report the fact to the Chief Medical Officer of the Railway, because the lady had been removed to the Rajpura Hospital which was not under his control.

Mr. B. R. Puri : Do the Government think it a sufficient discharge of their obligation to say that the lady in the middle of the night in a dying condition was made over to an unknown hospital where the arrangements may or may not have been adequate ?

Mr. P. R. Rau : It is not an unknown hospital. The local authorities exercised their discretion in the matter and I have no reason to suppose that they did not exercise it wisely.

Mr. Gaya Prasad Singh : May I inquire, Sir, that the local authorities were aware of the fact that the Patiala Hospital was better equipped than the Rajpura Station hospital ?

Mr. P. R. Rau : They must have been, because there is no equipment for in-patients at the Railway dispensary.

MURDER OF AN INDIAN LADY ON THE NORTH WESTERN RAILWAY.

286. ***Mr. B. R. Puri :** (a) Are Government aware that a European gentleman (who was afterwards discovered to be one Revd. Harvey) was found in an unconscious state in a second class compartment in the Frontier Mail which reached Rawalpindi on the 5th July, 1932, afternoon, and that at Rawalpindi he was taken out of the compartment, removed to the British Station Hospital, where he was properly treated and that thereafter he was sent to Murree in an ambulance car in charge of two nurses, presumably at Government expense ?

(b) Will Government be pleased to state why similar treatment was not accorded to Mrs. Dhodi (the lady who was murdered on the North Western Railway between Rajpura and Patiala on the night of the 18th June, 1932), who was allowed to lie for more than 20 hours in a dying

condition at Rajpura where there were no proper medical facilities procurable and why she was not removed to Lahore or at least Ambala promptly and even at Government expense, if necessary ?

Mr. P. R. Rau : (a) The Agent, North Western Railway, reports
12 Noon. that the passenger was removed from the train into
the Military Heat Stroke Station on Rawalpindi
Station platform, whence the Military authorities transferred him to the
Military Hospital.

(b) There does not seem to be any differentiation. In both cases the patient was removed by the railway staff as soon as possible to the nearest place where medical aid was available. The responsibility for deciding whether a removal to any other place was called for rested either with the relatives of the patient or the Medical Officer in charge of the Hospital.

STATEMENT OF BUSINESS.

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House) : Mr. President, before making my statement on the probable course of Government business next week, I would ask your attention, Sir, to the unfinished business which remains on yesterday's agenda. It is most desirable that as much as possible of this business should be disposed of before we start on the very important legislative business of next week and I, accordingly, request you, Sir, to direct that the House shall sit to-morrow for the continuation of yesterday's business.

And now, Sir, with your permission, I desire to make a statement as to the probable course of Government business in the week beginning Monday, the 19th. On that day, motions will be made by the Honourable the Home Member to take into consideration and pass the Bill to amend section 526 of the Code of Criminal Procedure, as reported by the Select Committee. Thereafter, motions will be made for leave to introduce a further Bill to amend the Income-tax Act and the Murshidabad Estate Administration Bill. Any business left over from this week will be placed below the business announced already for Monday. On Wednesday, the 21st, the motion will be made to refer to Select Committee the Bill to amend the Criminal Law which was introduced on Wednesday this week.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Honourable Members have heard the request of the Leader of the House for a direction to adjourn the House this evening to to-morrow. He has explained the reasons which have influenced him in making that request. Having regard to the fact that the Puja holidays are approaching, it can hardly be desirable to prolong the Assembly Session beyond the 28th or the 29th instant.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : We have the *Mahalaya* on the 29th instant.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : That is why I said 28th or 29th instant, and that is an additional reason why the House should consider whether it should sit to-morrow or not.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : We have a meeting of the Select Committee to-morrow.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : That can be cancelled. The business of the Assembly should have precedence over Select Committee meetings and, having regard to the amount of business before the House, I take it that the House will have no objection to the Chair giving directions for holding a meeting to-morrow.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Non-Muhammadan) : We object, Sir, on two grounds.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : I understand the position is this. If we do not sit to-morrow, the Government will prolong the Session by including the business which has been left over from yesterday to some day after the 21st instant. We are all very anxious that we should have the Criminal Law Amendment Bill on the 21st instant uninterrupted by any other Government business. We should devote our time to the discussion of that Bill. In view of that fact, I think it would be conducive to the convenience of the House if we sit to-morrow and let the Government dispose of the business left over from yesterday.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I take it that there is consensus of opinion that we should sit to-morrow.

Mr. M. Maswood Ahmad : I submit that we have passed in the Assembly that we should submit the Select Committee report by the 20th instant.

Sir Hari Singh Gour : We will do that.

Mr. M. Maswood Ahmad : Sir, I submit our first objection that we have received a notice of a Select Committee meeting for to-morrow and perhaps the Government business for to-morrow is the Haj Committee Bill. The other objection is that on that Bill all the amendments are nearly mine. Seeing the programme previously, I am not prepared to move those amendments to-morrow, because I want several files and several papers to be read before I can move those amendments. On that understanding, I am not prepared to take up the Haj Committee Bill to-morrow. That is the trouble, so far as I am concerned.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Chair regrets that the Honourable Member does not realise that when an

[Mr. President.]

Honourable Member takes the responsibility of giving notice of amendments, he must be assumed to be fully prepared to move them when called upon to do so.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : What about Friday prayers ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : In the opinion of the Chair, careful consideration should be given to the amount of business before the House, and, in the circumstances explained, consensus of opinion in the House appears to be that the House should sit to-morrow. The Chair proposes to make a direction to that effect.

ELECTION OF MEMBERS TO THE STANDING COMMITTEES FOR THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF INDUSTRIES AND LABOUR.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I have to inform the Assembly that up to 12 Noon on Wednesday, the 14th September, 1932, the time fixed for receiving nominations for the Standing Committees for the Department of Commerce and the Department of Industries and Labour, three nominations were received in each case and, as the number of candidates in both cases is equal to the number of vacancies, I declare the following members to be duly elected, namely :

Standing Committee for the Department of Commerce.

1. Kunwar Raghubir Singh,
2. Mr. S. C. Mitra, and
3. Mr. R. T. H. Mackenzie.

Standing Committee for the Department of Industries and Labour

1. Kunwar Hajee Ismail Ali Khan,
2. Haji Chaudhury Muhammad Ismail Khan, and
3. Mr. G. Morgan.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Alan Parsons (Finance Member) : Sir, I lay on the table :

- (i) the information promised in reply to starred question No. 736 asked by Seth Haji Abdoola Haroon on the 9th March, 1932 ; and
- (ii) the information promised in reply to starred question No. 787, asked by Rao Bahadur B. L. Patil on the 14th March, 1932.

APPOINTMENT OF MUSLIMS TO THE INCOME-TAX DEPARTMENT.

736. (a) Yes.

(b) No special instructions have been issued regarding the recruitment of Muslims in the Sind Income-tax Department. There are, however, standing instructions regarding the due representation in the public services of the various communities, and these were kept in view.

(c) The appointments made were as under :

Year.	Income-tax Officers.	Inspectors.	Assistant Inspectors.	Clerks.
1930-31	Nil	1 A Muhammadan .	Nil	4 (of whom 2 were Muhammadans).
1931-32	1 (Hindu by promotion).	Nil	7 (of whom 3 were Muhammadans).	8 (of whom 4 were Muhammadans).

COMMUNITIES OF NEW RECRUITS REQUIRED FOR EXTRA WORK IN THE INCOME-TAX DEPARTMENT, BOMBAY.

787. (a) The following temporary posts have been filled up :

	Income-tax Officers or Assistant Income-tax Officers.	Assistant Inspectors and Examiners.	Clerks.
Northern Division	3	9	22
Central Division	2	8	21
Southern Division	2	5	13
Bombay City	7	17	47

I may add that the posts of Income-tax Officers and Assistant Income-tax Officers have been filled up by promotion only, and those of Assistant Inspectors-Examiners both by promotion and by direct recruitment.

(b) A statement is put up. I may, however, remark that the most important point to bear in mind as regards the posts of Assistant Inspectors-Examiners and Income-tax Officers and Assistant Income-tax Officers is the fact that for Bombay City and Northern Division a thorough knowledge of Gujarati language is absolutely necessary, and men whose mother tongue is Gujarati have to be given preference in the interests of the Government revenue. In Central Division too there is a fairly large number of Gujarati merchants and an Examiner who knows Gujarati is essential. Gujarati is the mother tongue of Hindus and Muhammadans belonging to Gujarat and of Parsis.

Name of grade or post.	New recruits directly appointed.					Strength before recruitment.					Promotions.					Present Total strength.				
	Parsees.	Muslims.	Indian Christians.	Brahmins.	Non-Brahmins.	Others.	Parsees.	Muslims.	Indian Christians.	Brahmins.	Non-Brahmins.	Others.	Parsees.	Muslims.	Indian Christians.	Brahmins.	Non-Brahmins.	Others.		
<i>(1) Northern Division.</i>																				
Assistant Income-tax Officers	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	..	1
Assistant Inspectors and Examiners	1	2	..	2	3	2	1	8	2	3	1	2	3	10	..	3	7	2		
Clerks	1	3	1	8	30	1	4	4	2	19	1	..	5	7	3	39	27	1		
<i>(2) Central Division.</i>																				
Assistant Income-tax Officers	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	2	1	..
Assistant Inspectors and Examiners	1	1	..	1	4	3	..	1	1	3	..	2	1	3	1	6	6	..		
Clerks	4	3	1	4	24	2	..	6	2	14	2	..	4	9	3	25	18	10		
<i>(3) Southern Division.</i>																				
Assistant Income-tax Officers	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	..	..
Assistant Inspectors and Examiners .. ..	..	1	..	1	4	3	..	1	..	3	1	1	..	2	..	6	5	..	
Clerks .. ..	..	2	..	1	12	13	..	2	1	13	..	..	..	4	1	13	23	..
<i>(4) Bombay City.</i>																				
Assistant Income-tax Officers	..	..	..	..	..	..	1	2	..	..	1	1	1	2	..	2	1	1
Assistant Inspectors and Examiners	1	3	..	2	..	..	2	..	..	..	3	1	3	3	..	5	5	1
Clerks	4	2	3	16	18	2	12	8	11	60	2	..	16	10	14	129	78	6		

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I lay on the table the information promised in reply to starred question No. 1030 asked by Bhai Parma Nand on the 29th March, 1932.

BYE-LAWS FOR SWEETMEAT SHOPS AND MEAT SHOPS IN DELHI.

1030. (a) Bye-laws for licensing premises for the sale of meat and carriage of meat within the Municipal limits were passed by the Municipality and approved by the Chief Commissioner in 1914. At the end of 1925, the Health Officer proposed certain amendments which, with certain changes, were placed before the Municipal Committee at the end of 1926, but the Committee postponed consideration of the matter. The draft bye-laws were placed again before the succeeding Committee in 1928, which submitted them to the Chief Commissioner in 1930.

(b) No. The Health Officer was ordered by the Committee to draft bye-laws for licensing premises for certain articles of food.

(c) Yes. They were approved by a special meeting of the Committee and published for objections. The large number of objections received, however, has hampered further progress with them.

(d) No.

(e) Yes.

(f) No. He held both of them to be urgent.

(g) Yes, sanction to the proposed amendment to the bye-laws relating to the sale of meat was withheld until it could be seen what progress was made by the Municipal Committee in the enforcement of the other bye-laws relating to sweetmeat shops and milch-cattle stables.

(h) No. Nearly 30 per cent. of the sweetmeat shops are run by Muslims and Jhatka meat shops are kept by Sikhs and Hindus.

(i) There is no distinction as a set of meat bye-laws is already in force.

Mr. G. R. F. Tottenham (Army Secretary) : Sir, I lay on the table :

- (i) the information promised in reply to unstarred questions Nos. 99—110, 167—171, 201 and 204 asked by Mr. S. C. Mitra on the 29th February, the 14th March, the 18th March and the 23rd March, 1932, respectively ;
- (ii) the information promised in reply to unstarred questions Nos. 141, 144 and 145 asked by Sardar Sant Singh on the 9th March, 1932 ;
- (iii) the information promised in reply to unstarred questions Nos. 282, 283, 284, 286 and 289 asked by Sardar Sant Singh on the 29th March, 1932 ;
- (iv) the information promised in reply to unstarred questions Nos. 299, 300, 302 and 303 asked by Sardar Sant Singh on the 30th March, 1932 ; and
- (v) the information promised in reply to starred questions Nos. 1112 and 1114 asked by Sardar Sant Singh on the 4th April, 1932.

APPRENTICESHIP TRAINING IN THE RIFLE FACTORY, ISHAPORE.

99. Copies of the rules, conditions, object and scope of the training of student apprentices in the Rifle Factory, Ishapore, have been placed in the Library. They are too lengthy for reproduction in the proceedings of the House.

APPOINTMENT OF APPRENTICES TRAINED IN ORDNANCE FACTORIES.

100.

Temporary Supervisor	..	..	Up to Rs. 200 a month.
Chargeman	..	..	Rs. 200—10—300|50—5—350 a month.
Assistant Storeholder	..	..	Rs. 375—15—435 a month.
Assistant Foreman	..	..	Rs. 375—15—435 a month. 6th year Rs. 450 a month, 8th year Rs. 470 a month. 10th year Rs. 490 a month.
Storeholder	..	..	Rs. 500—20—600 a month.
Foreman	..	..	Rs. 500—20—600 a month, and after 10 years Rs. 650 a month.

These rates of pay are subject to such alteration as Government may hereafter decide upon.

CERTIFICATES GRANTED TO APPRENTICES IN ORDNANCE FACTORIES.

101. No ; the training provided at the cost of the Army Estimates will equally fit apprentices for outside employment.

RIGHTS AND PRIVILEGES OF EXISTING APPRENTICES AT THE RIFLE FACTORY, ISHAPORE.

102. Existing apprentices will be given the instruction promised.

STANDARD OF TRAINING OF APPRENTICES IN THE RIFLE FACTORY, ISHAPORE.

103. The standard aimed at has been that of Woolwich Trade lads or student apprentices.

APPRENTICESHIP TRAINING IN THE RIFLE FACTORY AT ISHAPORE.

104. It has been decided to abolish the student apprentice course in the Rifle Factory after the current course has been completed and not to recruit any more student apprentices in future.

The letter referred to by the Honourable Member is reproduced below.

COPY OF LETTER FROM THE DEPUTY DIRECTOR OF ORDNANCE FACTORIES AND MANUFACTURE, TO THE SUPERINTENDENT, RIFLE FACTORY, ISHAPORE, No. 1048/75 (M. G.-1), DATED THE 9TH OCTOBER, 1931.

The D. O. F. and M. has decided that the student apprentice course in your factory should be abolished. It is presumed that you will complete current courses and recruit no more student apprentices.

2. The whole question of apprentice training is under review by D. O. F. and M. who hopes to issue a note on the subject shortly.

APPRENTICESHIP TRAINING IN THE RIFLE FACTORY AT ISHAPORE.

105. Yes, because after 6 years' trial the scheme has not proved effective.

VOCATIONAL TRAINING IN ORDNANCE AND CLOTHING FACTORIES.

106. A copy of the letter which is dated the 28th, not 27th, September, 1927, and annexure has been placed in the Library. The document is too lengthy for reproduction in the proceedings of the House.

APPRENTICESHIP TRAINING IN THE RIFLE FACTORY AT ISHAPORE.

107. No, because there was no necessity to do so.

APPRENTICESHIP TRAINING IN THE RIFLE FACTORY AT ISHAPORE.

108. (a) Theoretical education is being reduced to the extent necessary to cover workshop technique.

(b) In 1927.

(c)

Name and designation.	Qualifications.	Duties.
Mr. B. L. Airomani, Charge-man.	(i) First class M.A., in Applied Mathematics. (ii) Bachelor of Law ..	Superintendent of the Apprentice Hostel. In charge of general supervision and technical training. Lecturer in Mathematics and Mechanics.
Mr. H. P. Bhadury, Charge-man.	(i) B. Sc. in Engineering from the Benares Hindu University. (ii) A. M. I. E. (India) .. (iii) Trained in Rifle Factory for one year as Improver.	Lecturer in Engineering subjects such as Heat Engines, Strength of Materials, Theory of Structures, Hydraulics, Electrical Engineering, Drawing, etc. In charge of Workshop training.
Mr. N. C. Laha, Charge-man.	M. Sc. in Physics ..	Lecturer and Demonstrator in Physics and Chemistry.

APPRENTICESHIP TRAINING IN THE RIFLE FACTORY AT ISHAPORE.

109 and 110. The answer to the first part of each question is in the affirmative. Government are not prepared to publish the correspondence.

APPRENTICESHIP TRAINING IN THE RIFLE FACTORY AT ISHAPORE.

167. (a) and (b). Details of the new scheme have not yet been completed.

(c) Please see the reply to question No. 102.

APPRENTICESHIP TRAINING IN THE RIFLE FACTORY AT ISHAPORE.

168. (a) No.

(b) Does not arise.

(c) Because it was unnecessary to consult officers who no longer held these appointments.

APPRENTICESHIP TRAINING IN THE RIFLE FACTORY AT ISHAPORE.

169. No. The documents are confidential, but extracts are reproduced below.

Extracts regarding Apprentices from the Administration Reports of the Ordnance and Clothing Factories, 1925-26.

RIFLE FACTORY, ISHAPORE.

(i) Six student apprentices have finished their course :

3 have been retained as improvers in the factory.

1 has obtained employment with Metal and Steel Factory.

1 has obtained employment with Inspector of Guns and Rifles.

1 has gone home to Dacca for family reason.

(ii) Three trade lad apprentices have finished their course. These lads dropped into this category as being unfit to follow the higher course :

1 has obtained a post as Gauge Estimator at the Gun and Shell Factory.

2 are applying for vacancies in the Calcutta Corporation and though not really qualified seem likely to obtain employment.

* * * * *

1926-27.

RIFLE FACTORY, ISHAPORE.

(i) Nine student apprentices completed their course and have all been retained as improvers in the factory.

(ii) Three trade apprentices completed their course, two have obtained outside work and the third is employed by the Inspector of Guns and Rifles, Ishapore.

(iii) There has been difficulty in recruiting apprentices up to the standard required outside Bengal.

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1927-28.

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RIFLE FACTORY, ISHAPORE.

(i) In all 37 students and trade apprentices have completed their training, 27 are at work in the factory, 6 are employed in other Ordnance establishments, 3 have found work elsewhere and one has gone to England for further training. This is a very gratifying result.

(ii) There are 12 student and 20 trade apprentices under training.

* * * * *

1928-29.

RIFLE FACTORY, ISHAPORE.

(i) The number of apprentices at present under training is as follows :

Student Apprentices—

1st year	..	..	..	..	..	8
2nd year	..	..	..	..	..	8
Total						16

Trade Apprentices—

1st year	..	..	..	..	..	7
2nd year	..	..	..	..	..	6
3rd year	..	..	..	..	..	6
4th year	..	..	..	..	..	7
Total						26

(ii) The Ex-Apprentices of previous years are employed as follows :

Outside the Rifle Factory	..	..	..	10
Not known	..	..	..	2
In England	..	..	..	1
In Rifle Factory	..	..	..	31
Died	..	..	..	1
	Total	..	..	45

Of the above, four completed their training during the year under review.

* * * * *

1929-30.

RIFLE FACTORY, ISHAPORE.

There are 54 apprentices of which 28 are student apprentices and 26 trade apprentices. Three lathes have been bought exclusively for use of apprentices ; the physical and chemical laboratories are now working ; a drawing class room, a mechanical laboratory and a lecture room are all being fitted up.

The apprentices have been very successful in the sports line and have won several trophies, they are taking up cricket and tennis.

47 students and trade apprentices have completed their 5 years and have found employment :

Ordnance factories and inspection	..	..	..	..	39
Outside employment (India)	..	..	..	..	5
England	..	..	..	..	2
Died after completion	..	..	..	..	1

* * * * *

APPRENTICESHIP TRAINING IN ORDNANCE FACTORIES.

170. (a) (i) and (iii). Yes.

(ii) The scheme aimed at imparting technical education from which not only the Factories but also India generally would probably benefit.

(b) and (c) Yes.

(d) Yes, in a number of cases.

APPRENTICESHIP TRAINING IN ORDNANCE FACTORIES.

171. (a) I am afraid I do not know to what Committee the Honourable Member is referring. Sir Rajendra Nath Mookerjee was President of a Committee appointed by the Bengal Government in 1919 to co-ordinate the scheme of apprentice training in the Eastern Bengal Workshops at Kanchrapara with the Mechanical Engineering classes of the Sibpur College. The committee appointed by the Government of India in April, 1920, to advise them on certain matters connected with Indian Ordnance Factories had no connection with Sir Rajendra Nath Mookerjee's Committee.

(b) I have been unable to find this suggestion in the report of either committee.

(c) Does not arise.

(d) The answer to the first part of the question is in the affirmative. No apprentices from ordnance factories have so far undergone the continuation course referred to.

PETITION FROM APPRENTICES IN THE RIFLE FACTORY AT ISHAPORE.

201. (a) and first portion of (b). Yes.

Second portion of (b) and (c). Please see the reply to question No. 102.

TRAINING OF APPRENTICES IN THE RIFLE FACTORY AT ISHAPORE.

204. (a) I have seen the articles.

(b) No. The reasons are stated in the reply given on the 3rd February, 1932, to parts (a), (d) and (f) of the Honourable Member's starred question No. 114.

REFUSAL OF DISABILITY PENSIONS TO CERTAIN DISCHARGED MILITARY MEN.

141. (c) and (d). I have examined 11 of the remaining 12 cases mentioned in part (a) and find that the individuals were discharged before the 1915 edition of A. R. I., Volume I, was superseded. The proceedings of the medical boards in accordance with whose reports the men were discharged are in most cases not available, but it must be presumed that their claims to pension were decided in accordance with the rules in force at the time. The re-examination referred to in part (b) of the Honourable Member's question was made with reference to Army Instruction (India) No. 1056 of 1922, with a view to its being ascertained whether the men were eligible for any pension under the new rules embodied in that Instruction and afterwards incorporated in the 1923 Regulations, and it was found that they were not. The question of allowing them to choose between the 1915 and 1923 Regulations, therefore, never arose.

REFUSAL OF DISABILITY PENSIONS TO CERTAIN DISCHARGED MILITARY MEN.

144. There is no differentiation between British and Indian soldiers in this respect. Each case is decided on its merits.

REFUSAL OF DISABILITY PENSIONS TO CERTAIN DISCHARGED MILITARY MEN.

145. The procedure for the submission of appeals (including appeals against orders on applications for pensions) is laid down in Appendix VII of the Regulations for the Army in India.

Appeals if received at Army Headquarters are usually returned to the applicant for submission through the commanding officer, who alone is in possession of all the necessary information. Occasionally appeals are forwarded direct from Army Headquarters to commanding officers for disposal. If there is reason to believe that some injustice has been done, the appeal is sent to the commanding officer for report. A commanding officer is not empowered to sanction pensions, but if he considered that there were no grounds for proceeding with an appeal submitted direct to him by a petitioner, he could withhold it.

RATES OF MILITARY PENSIONS.

282. (a) Generally speaking the rates of pension admissible to military personnel were increased towards the end of and just after the war. These new rates were allowed to persons admitted to pension while the older rates were in force, if they were re-employed during the Great War and fulfilled the necessary conditions. The special powers of the Government of India to grant pensions not admissible under rule were enhanced in 1918, with the result that the monetary limit was raised from Rs. 10 to Rs. 25.

(b) I am not aware of any case of the nature which the Honourable Member has in mind, but it would be in accordance with the ordinary practice not to increase a pension once granted to an individual under the special powers vested in Government merely because those powers were subsequently enhanced.

(c) Not unless the individuals concerned fulfil the conditions under which an increase is admissible.

PENSIONS OF CERTAIN MILITARY MEN INCREASED BY RE-EMPLOYMENT DURING THE GREAT WAR.

283. (a), (b) and (c). I have examined the case of Subedar Mam Raj and find that there is no documentary evidence to show that his re-employed service was of a satisfactory nature. As he was re-employed for only a month and a half and discharged before the end of the war, that service cannot be presumed to have been satisfactory. It may be added that his claim to re-assessment of pension was not submitted until 12 years after his discharge.

Havildar Sant Singh's case was under examination at Army Headquarters when notice of the Honourable Member's question was received in March last. No progress can be made with the examination in the absence of certain particulars which the military authorities have asked the havildar to supply.

MILITARY PENSION CLAIMS.

286. (a) Yes, subject to certain conditions. Under paragraph 1041 the pensions of re-employed personnel should have been held in abeyance for the period of their re-employment. During the Great War, however, a rule was introduced under which re-employed pensioners were permitted to draw their pensions in addition to pay, but they were not allowed to count their re-employed service as additional pension-earning service.

(b) I have examined three of the four cases mentioned by the Honourable Member.

In the cases of Havildar Baz Khan and Sepoy Palto Khan, the answer to the Honourable Member's question is in the affirmative, but the entries were obviously made in error. Baz Khan was re-enlisted in December, 1917, and Palto Khan in July, 1917. The total service of each man was not sufficient to qualify him for a service pension, and the conditions under which they were re-employed did not admit of the grant of mustering-out concessions.

Gratuities were given to them on their final discharge.

There are no records to show that Sepoy Maman was promised a pension at the time of his discharge.

The case of Lance Naik Bodan Khan is still under examination.

(c) As regards paragraph 1077 of Army Regulations, India, Volume I (1915 Edition), the Honourable Member is referred to the reply given on the 9th March to unstarred question No. 147.

Note 4 to paragraph 591 of Pay and Allowance Regulations, 1923 Edition, shows that certain classes of pensioners (not family pensioners) had been given a choice between two rates of pension—one of which had been in force from 1907 to the 3rd August, 1914, while the other was introduced with effect from the 4th August, 1914.

The M. A. G.'s letter of the 20th January, 1932, was in reply to the appeal of an ex-driver who had not elected certain new rules but wished to be governed by them.

Government are not prepared to examine any claims not admissible under the rule as it now stands. A pension granted to the widow or mother of a deceased soldier is intended to provide to some extent, the means of support of which she has been deprived by the death of her husband or son: if she re-marries it must be presumed that she will be supported by her husband.

PRACTICE IN REGARD TO GRANT OF DISABILITY AND FAMILY PENSIONS.

284. (a) The Government of India are aware of only one case (that of a sowar discharged in 1918) in which an original medical board was silent on the point of attributability. A second medical board which assembled in 1930 attributed the disability to military service, although the only evidence available was the statement of the sowar. The benefit of the doubt was given to him and he was granted a disability pension. Any case in which a medical board was silent on the point of attributability, or was unable to express an opinion owing to the loss of documents or destruction of records, would be considered on its merits.

(b) There is no record of a pension in such a case having been given from the date of the casualty. Where strict proof of eligibility is not available the Government of India consider the case on its merits and, if it appears genuine and a compassionate grant seems justified, they sanction a pension under paragraph 202. Pension Regulations, with whatever arrears they consider desirable. The Government of India have to consider the tax-payer's interest as well as that of the individual concerned, and as the pension is primarily intended to maintain the pensioner in future, the payment of arrears may not be necessary. Where documents are not available through lapse of time, and no satisfactory explanation of delay is forthcoming, great care has also to be exercised to safeguard the State against fraud.

MILITARY DISABILITY AND FAMILY PENSION CLAIMS.

289. (a) and (b). I have examined nine of the ten cases mentioned by the Honourable Member.

In one of these cases Government are satisfied that death was attributable to military service and a pension will, if otherwise admissible, be granted to the claimant if it is established that none was granted to the nominated heir. In two other cases, one of death and one of disability, Government have given the claimant the benefit of the doubt. In the remaining six cases examined, I am satisfied that due regard was paid to the evidence produced by the claimants, and that the award of a pension would not be justifiable. One case is still under examination at Army Headquarters.

(c) I presume that the Honourable Member has in mind the instruction in which the Ministry advised medical boards that "to warrant a decision in the man's favour there should, in any doubtful case, be a *probability*, and not merely a *possibility*, that the disability was due to or aggravated by service".

TIME-BARRING OF DISABILITY PENSION CLAIMS.

299. (a) I have been unable to find any declaration regarding pensions in the publication to which the Honourable Member refers.

(b) No, Sir. The latest date for the submission by British personnel of claims to Great War disability pensions was the 31st August, 1928.

(c) The cost of war pensions granted during the period of the War and up to the 31st May, 1919, has been treated as part of the settlement of outstanding war claims with His Majesty's Government and has been charged to Indian revenues. Great War pensions granted after that date are charged against the War Office. In view of the reply to (b) the second part of the question does not arise.

(d) Yes, but interested persons are also responsible for the prompt submission of their claims.

MILITARY PENSION CLAIMS.

300. (a) Yes. Government are aware of the publications referred to.

(b) No : it is unnecessary.

(c) The answer to the first part of the question is in the negative. Medical Boards consist of highly qualified medical officers, who are fully alive to the points mentioned. Government are not aware that such a practice is in vogue in England.

MILITARY PENSION CLAIMS.

302. (a) and (b). I have seen the communication mentioned in part (a) but have not been able to obtain copies of those mentioned in part (b).

(c) There is no question of statutory authority. The letters were undoubtedly issued in the interests of the ex-soldiers to save them unnecessary expense.

(d) In the Punjab and United Provinces there exist Soldiers' Boards in almost all districts which will advise ex-soldiers and investigate their claims without any charge. In addition, military officers are constantly touring and they investigate all cases represented to them. In view of these facilities, no special consideration is given to illiterate ex-soldiers whose claims are time-barred.

MILITARY PENSION CLAIMS.

303. (a) *First portion*.—Yes.

Second portion.—Yes, but interested persons are also responsible for the prompt submission of their claims.

Third portion.—Government have no reason to believe that individuals have been deluded in the manner suggested.

(b) Government do not admit the existence of any need for redress.

PAYMENT OF DISABILITY PENSIONS FOR MILITARY SERVICE.

1112. (b), (c) and (d). The provisions of the Royal Warrant referred to by the Honourable Member do not apply to Indian ranks of the Indian Army who are governed for the purpose of the grant of disability pensions by the post-war rules introduced in Army Instruction (India) No. 1056 of 1922. These rules contain no specific provision for the grant of pensions for the aggravation of disabilities, but that factor has always been recognised and a working rule has been adopted to cover it. There is therefore no necessity to amplify I. A. F. Y-1948. Disabilities coming within the working rule are viewed as "attributable to military service" and pensions and gratuities are granted accordingly. For this reason, there is no necessity to re-examine any cases of "aggravation".

(e), (f) and (g). There have been cases of this nature in which disability pensions have been awarded. But as they are infrequent, Government do not consider

it necessary to provide for them in the regulations. Administrative instructions showing how such cases are to be dealt with are already in existence. Any such cases which may be submitted to Government will receive consideration.

(h), (i) and (j). Cases where it is established that the cause of a disability is attributable to military service are considered with reference to the instructions referred to in the answer to (f), irrespective of the actual cause of discharge from the service; and where Government are satisfied on the point of attributability, disability pensions are admitted. It has not been considered necessary to make provision in this respect in the Pension Regulations for the reason given in the answer to (f); nor is any further or special action called for.

PAYMENT OF FAMILY PENSIONS IN RESPECT OF CASUALTIES IN THE GREAT WAR.

1114. (a) Yes.

(b) The specific case mentioned by the Honourable Member was one in which the local authorities were doubtful whether the applicant was the real or foster parent of the deceased sepoy as the latter had not stated at the time of his enlistment that his parents were alive. A foster parent is not recognised under the rules as an eligible heir for the purpose of family pension and hence inquiries were made regarding income, dependence, etc. Ordinarily no such inquiries are made.

(c) Does not arise.

Mr. P. B. Rau (Financial Commissioner, Railways) : Sir, I lay on the table :

(i) the information promised in reply to starred questions Nos. 241, 242 and 243 asked by Khan Bahadur Haji Wajuhuddin on the 12th February, 1932; and

(ii) the information promised in reply to part (b) of starred question No. 224 asked by Mr. Jagan Nath Aggarwal on the 12th February, 1932.

PRESSURE ON TICKET EXAMINERS TO INCREASE THEIR EARNINGS.

241. The earnings of travelling ticket examiners are carefully watched with a view to ascertain if the staff are doing their duty properly. If the earnings of any particular T. T. E. (or group of T. T. Es.) are markedly below the average, the Divisional Superintendent may consider an investigation necessary as to the cause, but no pressure is exercised on the staff to show high earnings.

RECOVERY OF FARES FROM SADHUS AND FAKIRS TRAVELLING WITHOUT TICKETS.

242. (a) Yes.

(b) An extract from a circular issued to the staff concerned by the Divisional Superintendent, Lucknow, is reproduced below :

"In the case of mendicants and such like detected travelling without tickets, it would be more advantageous to detain them at the station of detection and turn them off the platform recovering, if possible, the fare, etc., due up to that point, than making them over to the police for realisation of our dues. The station staff should clearly understand that it is one of their important duties that such like men should not be allowed to come on to the station platforms unless they hold proper tickets."

(c) and (d). All divisions, except Allahabad, issued similar orders. The Allahabad Division did not find it necessary to issue such orders, as the appointment by the Local Government of an honorary magistrate at Allahabad to try railway cases facilitated bringing before this magistrate persons found travelling without proper tickets who were unable, or had refused, to pay the fares due.

(e) Rs. 6,948-3-0 were recovered from *sadhus* and *fakirs* in cases placed before the Railway Magistrate, Allahabad, during 1928-29.

(f) The Agent, East Indian Railway, reports that the Administration is not aware of any attempt having been made by people to pose as *sadhus* in order to avoid the payment of railway fares, but every effort is made to prevent passengers entertaining without a proper ticket.

ACTION TAKEN AGAINST DEFAULTING TRAVELLERS.

Reply to starred question No. 243.

243. (a) and (f). Such orders were issued on two divisions of the East Indian Railway, but were subsequently cancelled under instructions from the Chief Operating Superintendent.

(b) Does not now arise.

(c) They are liable to be prosecuted under section 112 or 132 of the Indian Railways Act, 1890.

(d) None.

(e) The restriction was not quite justified but as indicated in reply to part (a) of this question, it does not now operate.

LACK OF NOTICE TO STAFF RETRENCHED IN THE OFFICE OF THE CHIEF ACCOUNTS OFFICER, NORTH WESTERN RAILWAY.

224. (b) Government understand that owing to a misunderstanding the Chief Accounts Officer of the North Western Railway did make such a restriction. This has since been withdrawn.

RESOLUTION *RE* STATUTORY INQUIRY INTO THE WORKING OF THE TATA IRON AND STEEL WORKS.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir I move :

“ This Assembly recommends to the Governor General in Council that at the forthcoming Statutory Enquiry under Section 3 of Act III of 1927, the following be included among the points to be investigated and reported upon by the Tariff Board in regard to the working of the Tata Iron and Steel Works, Jamshedpur :

- (i) what proportion do the total assets of the Company bear to the aggregate value of the protection so far enjoyed by it by way of bounty and tariff, together with the value of the various concessions, such as reduced railway freight for raw materials and manufactured products, enjoyed by the Company ever since it started its operations ; and whether in view of the large contributions thus made by the State and the people towards the maintenance of this firm, some amount of supervision and control should not be assumed by Government over its management in the event of the policy of protection being further continued ;
- (ii) whether and how far the process of Indianisation is being carried on, and how far this policy has succeeded in finding employment for the best talents in the country, and whether there has been any favouritism at the cost of efficiency ;
- (iii) what relations have subsisted between the firm and the labour employed by it ;
- (iv) whether and to what extent the purchase of raw materials and machinery is being conducted on economic lines ;
- (v) whether and to what extent the sale of finished materials, semi-finished materials and scrap and rejected materials are being carried on in the best interests of the Company and consumers in India ;

[Mr. Amar Nath Dutt.]

- (vi) whether the sale policy of pig iron is conducive to the best interests of the country ; and
- (vii) whether the management has rendered every possible assistance to subsidiary and dependent industries, directly and indirectly, so as to help in the growth and expansion of such industries, and particularly to eliminate the necessity of protection to those subsidiary concerns that may now be enjoying it."

Sir, the Resolution which I beg to place for consideration of this House will, I think, appear to every reasonable man and every one who is interested in the welfare of India as not only a very fair one, but also a non-controversial one. I think, on a Resolution like this, not only the Government and the people of this country will see that it is a very fair Resolution, but those who are interested in the firm itself will see that it is in their best interest. Sir, Act III of 1927, which extended protection to the Tata Iron and Steel Company at Jamshedpur, provides a section, namely, section 3, which reads as follows :

"The Governor General in Council shall, not later than the 31st day of March, 1934, cause to be made by such persons as he may appoint in this behalf an inquiry as to the extent, if any, to which it is necessary to continue the protection to the steel industry in British India and as to the manner in which any protection found necessary should be conferred."

Sir, previous to this, in the year 1924, the first protection was granted to the Tatas. Then, three years later, when that protection was to be continued, it was settled that another seven years' protection ought to be granted and, if necessary, that protection may be continued afterwards, after a thorough inquiry, whether such protection is needed in the best interests of the country. In this connection, Sir, I must first point out that I am not an economist myself, but the circumstances are such that any one who may not know the science of economics can lay down broad propositions which will be acceptable to economic experts as well as to the lay public. The principle is this that if you want to protect a particular industry either by bounties, or raising tariffs or granting concessions over State Railways for carriage of goods, it is indirectly taxing the people of the country ; and when you indirectly tax the people of the country, you have to see whether it is for the benefit of the very people themselves that such protection should be granted. That is a principle which, I think, any one can enunciate, whether he is an economist or not. That being so, when the first Bill was introduced in the year 1924, there was some controversy whether or not this protection should be granted. It was dinned into our ears,—and my friends who were in the Assembly at that time will bear me out,—we were given to understand that protection to an industry like this is needed in the best interests of the country. And what were the interests likely to be benefited by the protection being given to Tatas ? It was given out to us that a time may come when we may not have to import iron and steel goods from abroad and India may have to depend upon its own material. These were the things which were dinned into our ears by those who pleaded for protection. Then, again, it was said that the industry is a basic industry which will feed many a subsidiary industry, for instance, agricultural implements and other things ; and though Indians may have to pay a little more than what they might have paid had there been no protection, in the long run they will be benefited by having these products at home at cheaper prices. These are no doubt very laudable aims with which the protection was granted. Now, Sir, the year 1934 is fast

approaching and I do not know whether or not they will come to this Assembly with a prayer for protection ; but as it is likely that they may come, it is necessary that in the forthcoming statutory inquiry there ought to be an investigation as regards the working and management of this concern and the materials should be placed before the public so that they may be convinced that it has been carried on in the best interests of the people, that it has helped in the growth of subsidiary industries and concerns, that it has helped the agriculturists and that the poor have been benefited by this protection. Sir, the first point which my Resolution mentions is the amount of the protection which has been given to this firm and in what shape. Bounty to the extent of about a crore,—of course I am not sure about the exact figures, but it will be something like a crore, although it may be a little more or less,—was granted. Then, again, there was a duty of Rs. 37-8-0 per ton imposed on imported iron goods as also various other concessions such as reduced railway freights, etc. If we remember the total needs of India in iron goods, we find that the total need of the people is about 13 lakhs of tons. Of these only four lakhs are produced by Tatas and the rest, *i.e.*, nine lakhs, comes from abroad still, some from the Continent and some from the United Kingdom. A duty of Rs. 37-8-0 per ton means that the country has suffered to the extent of one crore and fifty lakhs a year for these four lakhs of tons of iron goods produced by Tatas. Add to this the bounty that was paid as also the reduced railway fares and that railway line to Garumahishani which does not pay itself and runs for about 40 miles in length. Add all this, and that is the total we have been paying for the last ten years.

An Honourable Member : What is the amount in all ?

Mr. Amar Nath Dutt : A crore and a half yearly in the shape of tariffs ; besides that there was a bounty of about a crore, and then these reduced railway fares and concessions which would amount to about 2 or 3 crores. I think my Honourable friend over there, the Financial Commissioner for Railways, can give us a better estimate of the losses to the Railways over these various concessions given to Tatas. Be that as it may, we may take it roughly that Indian taxpayers have been paying about 5 crores of rupees a year in order to maintain this industry. We have to see whether this payment of 5 crores from the pockets of the poor Indian taxpayers has benefited them to the extent which was dinned into our ears at the time of giving protection that they would be benefited. Even if it is shown that in the near future the poor taxpayers will be benefited, I will not grudge protection ; but nobody can deny—neither the Government nor the tax-payers whose representatives we are, nor the directors of the company themselves can deny—that it is in the very interests of the directors and of the people and of the Government that a sifting and thorough inquiry should be made whether the concessions should be granted in expectation of future benefits that may or may not accrue. I demand a statutory inquiry and if it is shown that the poor tax-payers have really been benefited, I would not grudge this amount to the Tata Iron and Steel Company. The Company, I find from their latest report, has a capital of about 10½ crores of rupees. Besides that they have mortgage debenture loans ; and for these debenture loans I presume the whole machinery and everything connected with this industry are mortgaged. I do not think it can be said that there is no mortgage, because I find that there is a first debenture stock and then there is a second 8 per cent. mortgage debenture stock ; and it is a fact that this debenture loan has not been paid off as yet and arrears of in-

[Mr. Amar Nath Dutt.]

terest are already accumulating. I am told that arrears are accumulating on second preference shares. Whether arrears are accumulating on debentures or on second preference shares, it is a liability which the industry will have to pay. It makes very little difference to the poor Indian taxpayer whether the liability is in the shape of interest on debentures or in the shape of interest on second preference shares. My submission is that we must have a thorough knowledge of the finances of this company and whether it is being run on economical lines or not. This is a thing which no body can deny and it is in the best interests of the directors also. That being so there can be no objection to the first part of my resolution which I have already read out before this House.

Then, my second point is whether and how far the process of Indianisation is being carried on and how far this policy has succeeded in finding employment for the best talents of the country and whether there has been any favouritism at the cost of efficiency. I am not here laying any charge at the door of the management that they have not been Indianising or that they have been sacrificing the best interests of the country in order to carry on favouritism ; but what I say is that there is a lurking suspicion in the minds of many of us who have some knowledge of the working of the concern and who have visited the area that salaries are not what they ought to be. People have been employed not on the basis of efficiency but on other grounds. I shall be very glad if this impression is removed and that can only be removed by a thorough inquiry into the management of the company. I am aware that some of these officers are paid the salaries of Governors and Viceroys.....

An Honourable Member : That is a very old story.

Mr. Amar Nath Dutt : I am told that it was more than that of a Viceroy at first. It may be that we have to indent foreign experts at a very high price ; and if it is necessary to do so in order to run the concern, certainly no one will grudge it. But I think in any inquiry that has to be made these facts ought to be shown before those who may be entrusted with the statutory inquiry, so that the people at large may know that salaries are not unduly high and that the officers are being employed on the basis of merit. Without levelling any charge of mismanagement or inefficiency I beg to submit that this ground also will appeal to the directors as well as to the Government.....

The Honourable Sir C. P. Ramaswami Aiyar (Member for Commerce and Railways) : Before my Honourable friend moves away from (i), do I understand him to say that he insists on supervision and control being assumed by Government ? I did not hear what he had to say on that.

Mr. Amar Nath Dutt : If the Government think that they should assume supervision themselves in any way that they can best safeguard and protect the interests of the poor taxpayers, then they should do so. I am not particularly fond of Government intervention.

My third point is that what relations have subsisted between the firm and the labour employed by it. This is a question which can best be dealt with by my honourable friend over there. I think he might have some knowledge of the happenings of the three strikes within the last ten years, in 1920, 1922 and 1928. But what I am concerned with is that labour conditions should be such as would be in the best interests of the poor people who are dragged away from their hearths and homes

to these places. Besides there is another aspect. It is in the best interests of the company that there should be no strikes, for the last strike, I am told, cost the company about a crore of rupees. I am told by Mr. Dumasia that it was more than that. Whatever may be the amount, we have also to look to this and remove just grievances which my Honourable friend, Mr. Joshi, will place before the statutory committee in order to have a contented labour in the best interests of the industrial concern....

Mr. B. Das (Orissa Division : Non-Muhammadan) : Can you ever have a contented labour ?

Mr. Amar Nath Dutt : Of course if the labourers demand pocket money of Rs. 100 a day, it will be impossible to satisfy them.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Rural) : They are not the only people who demand pocket money of Rs. 100 a day.

Mr. Amar Nath Dutt : There are others, I know. They may be better described than named. So, Sir, I strongly hold that the best interests of this concern as that of any industrial concern lie in having a contented labour, and I therefore think that there should also be an inquiry made into this question. I am told that labour at Jamshedpur is better housed and better paid. If that is really so, then certainly it is a matter for congratulation, and the directors should certainly welcome an inquiry into that point.

My fourth point is whether and to what extent the purchase of raw materials and machinery is being conducted on economic lines. Sir, attention was drawn to certain affairs of the company to this point by an Honourable Member of this House in the year 1930, and I may crave the indulgence of the House to read a few lines from the speech of my friend Pandit Nilakantha Das which he delivered on the floor of this House, and that will convince the House that an inquiry on this point also is very necessary. It is at page 1907 of the Legislative Assembly Debates of Tuesday, 18th March, 1930.

“ Steel billets are purchased by the Tatas from Europe at a cost of Rs. 95 per ton, whereas they sell pig iron at Rs. 36 to Rs. 40 per ton in foreign countries. This is a curious industrial phenomenon. They have got an arrangement with the Tin-Plate Company for steel-sheets and bars and these tin-sheets and bars are prepared out of these billets purchased at Rs. 95 per ton, but the tin-sheets and bars are sold at Rs. 84 per ton. The State has got an arrangement for the purchase of rails and probably steel sleepers at Rs. 110 per ton. An English company pays Rs. 84 per ton whereas we tax-payers pay Rs. 110 per ton as price for the finished products of the Tatas. Steel joists and other finished products are sold to the Indian consumer at the rate of Rs. 130 per ton.”

It is necessary, Sir, that the allegations made here should be investigated, and whether the charge that was levelled against the company by a responsible Member of the House is correct or not.

Then, Sir, my fifth point is whether and to what extent the sales of finished materials, semi-finished materials and scrap and rejected materials are being carried on in the best interests of the company and consumers in India. With reference to this point, I shall, with your permission, again quote a few lines from the speech of my Honourable friend Pandit Nilakantha Das which he delivered on the same day on the floor of this House. Here I may remind the House that at that time a very esteemed director of the company, Sir Purshotamdas Thakurdas, was present on the floor of the House, and it was before him that all these allegations

[Mr. Amar Nath Dutt.]

were made and they were not refuted. By that I do not mean to imply that these allegations are correct, but I submit, Sir, Honourable Members should see whether those allegations are true or not.

Mr. B. Das : My Honourable friend should remember that the Honourable Mr. Patel ruled that the directors concerned in the Tata concern or any other industrial concern should not vote or take part in the proceedings. My friend, Sir Purshotamdas Thakurdas, is not present here to-day, and it is not graceful to drag in his name and say that he did not refute those allegations.

Mr. Amar Nath Dutt : It seems, Sir, my friend who had his education in an engineering concern has more knowledge of constitutional procedure than a lawyer, and can make out a distinction without a difference.

Sir Cowasji Jehangir : What are your own views ? Let us hear them.

Mr. Amar Nath Dutt :

“ The Sales Department sells all scrap, that is second class products, to a private firm, not by public auction or by public tender, but by private arrangements.”

I should like the statutory inquiry committee should enquire into this matter and see whether this charge is correct or not. If such a charge has been made, it is the duty, I think, of all those who are concerned with the management of the company to show that it is not correct, and in any case the statutory inquiry committee should satisfy themselves after due inquiry whether the allegation is true.

Then, Sir, my sixth point is about the sale policy of pig iron, that is to say, whether the sale policy of pig iron is conducive to the best interests of the country. With regard to this point, Sir, I am afraid I shall again have to trouble the House by quoting a few more lines from the speech of my friend, Pandit Nilakantha Das. This is what he said :

“ Now there is a combine of three firms, including the Tatas, for selling pig iron to the Indian consumer at an abnormally high fixed price. Tatas have no option to take a reasonable price, even if they desired. I do not know why the Tatas went to enter into this combine. Combine is a commercial term. It is something like an arrangement among the members of the combine themselves that they will sell pig iron at a certain rate to the Indian consumer. The Tatas, who sell very little of their pig iron in this country, have come to join this combine with the Bengal Iron Company and the Indian Iron and Steel Company, Limited.....”

Mr. Bhuput Sing (Bihar and Orissa : Landholders) : May I know if these two companies are English or Indian ?

Mr. Amar Nath Dutt : They are practically English concerns.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member has got only one minute more.

Mr. Amar Nath Dutt : Very well, Sir. My last point is that the subsidiary and dependent industries should be helped. With reference to this point, Sir, I am told that several of these small concerns have gone into liquidation, because sufficient help was not given to them by the management of Tatas ; on the other hand, it would seem that obstacles were placed in the way of their expansion. That being so, I feel it is our duty on the floor of this House to demand of the Government when we pay five crores a year, and when we have paid this concern more than the paid-up capital of the company, it is our duty to see that all these

defects and shortcomings, whether they exist or not, should be inquired into in the best interests of the country.

Mr. Bhuput Sing : Sir, I beg to move :

“ That for the original Resolution the following be substituted :

‘ This Assembly recommends to the Governor General in Council that the Committee when appointed for the purpose of statutory enquiry as laid down in section 3 of Act III of 1927, may be asked to enquire as to how far the Tata and Steel Works have achieved the object of the protection granted to it since 1924 and also to enquire how far they have succeeded to help the subsidiary Indian industries and cottage industries, the development of which depended solely on the better working and management of the parent industry ’.”

Mr. B. Das : May I enquire if all these amendments are going to be moved by the different Members and thereafter a full discussion will take place ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The procedure that the Chair proposes to adopt is to allow the whole case to be put before the House, so that it may be fully considered. If only one amendment is allowed at a time and discussion takes place only on that amendment, then the matter will be unduly prolonged. If, however, there is any general feeling in the House that the procedure of only one amendment at a time should be adopted, the Chair would consider it.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : May I suggest that all the amendments should be moved and then discussion should take place on the whole subject ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : That is what the Chair proposes to do.

Mr. B. Das : It would be better if Honourable Members who take interest in the matter could come to an agreement on one amendment.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member ought to know that the Chair cannot help him in that matter.

Mr. Bhuput Sing : Sir, after what had been said by the Honourable the Mover of the original Resolution, there appears to be very little ground left to me to cover. But the debate on this motion is of so much vital interest to the poor consumers as well as to the future development of steel and its concomitant subsidiary industries dependent on the 'Tatas' basic industry that I will be failing in my duty if I give my silent vote on this Resolution. Sir, when protection is given to an industry in its initial stage, it is always with the idea of giving some aid to cope with unfair competition from outside, but, at the same time, there is always a tacit understanding, between the consumers of the country paying the bounty and the owners of the industry getting that bounty, to the effect that the industrialists will make their utmost endeavour to make themselves self-supporting within the shortest possible time for weathering outside competition. In order to achieve this object, it is the bounden duty of the industrialists to run the concern in the most economical way. But, Sir, to our utter surprise we find that the bounty-fed Tatas is being run on such a line that as soon as the protection is withdrawn, the foreign debenture-holders may grab the whole concern which we are falsely claiming to be our national concern. Sir, I am surprised to find that after these eight

[Mr. Bhuput Sing.]

years of spoon-feeding of the Tatas the industry has not attained even boyhood, not to speak of manhood. It is no wonder if, after so many years of bounty, the Tatas could not put their house in order and the poor consumers would become a little restive for a public enquiry into its working. I may mention in this connection that a few years ago Pandit Nilakantha Das, a Member of this House, made certain allegations against certain I. C. S. men of the well-known steel frame, who were manipulating the sales of the Tata products in such a way that the Tatas may not stand even a single year if the bounty is withdrawn, so that the interest of the British steel concerns may be best served for flooding the Indian markets with their products through the backdoor help of Imperial Preference. I admit that those steel-frame officers have been removed, but the concern is being run on the same lines by a handful of relatives and favourites of the managing agents, who only care for their personal gain, irrespective of the fact whether the concern lives or dies.

Sir, we being representatives of the taxpayers, who are asked to pay for the bounty, have got every right to demand a statutory enquiry envisaged in section 3 of Act III of 1927. It is an accepted principle all over the world that the scholarship to be awarded to a scholar must be granted to a student who deserves such help and who would serve his country in later life when he becomes a genius with the help of such scholarships. I make bold to say that the bounty given to the Tatas is just as good a scholarship and we have every right to see how far the Tatas have progressed with such scholarship. Before I conclude I may say that, though I have got any amount of materials for proving as to how the sales of Tata products are being manipulated to the detriment of the cottage and subsidiary industries, in order to make this Resolution a non-controversial one, I do not wish to go into those details which will be produced before the enquiry committee when appointed, unless the Tatas improve their affairs in the meantime.

Sir, as the original Resolution goes into the details as to how the enquiry should be held, I do not agree to fetter the discretion of the committee to be appointed for the said enquiry from now. Moreover, Part I of the Resolution wants to vest some amount of control in the Government, to which I, as a representative of the people, can never agree so long as the present system of bureaucratic Government continues. But at the same time I am convinced that some public enquiry is needed, as the present policy of the Tatas is practically killing all our subsidiary and cottage industries. In this connection I have got some telegrams which if you will permit I shall read to the House.

I have received a telegram from the *Calcutta Iron Merchants Association* urging thorough enquiry into Tatas' working and a reduction of protective duty. The *British Indian Association* wires for Government's investigation into Tatas' affairs. The *Bihar Chamber of Commerce* telegraphs for enquiry into Tata Steel Company's selling policy and Indianisation before further help is granted.

Sir, with these few words, I move my amendment.

**STATUTORY INQUIRY INTO THE WORKING OF THE TATA IRON AND STEEL 741
WORKS.**

(Haji Chaudhury Muhammad Ismail Khan was called on to move his amendment, but he was absent.)

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I beg to move :

“ That for the original Resolution the following be substituted :

‘ This Assembly recommends to the Governor General in Council that, when the statutory enquiry laid down in section 3 of Act III of 1927, regarding the Tata Iron and Steel Works is held, the Committee to be appointed for the said enquiry may be so constituted as to consist, at least, of three elected members of this House, one elected member of the Council of State, one representative from the labour organisations in Tatanagar and one representative of the Tata Subsidiary Concerns, and that the terms of reference to the said Committee should include amongst others the question as to how far the main object of giving protection to this basic industry since 1924 has succeeded in the fostering and development of the subsidiary industries and also how far the Tata Iron and Steel Works have attained stability by the said protection ’.”

Sir, no doubt the Tata Iron and Steel Company is a limited liability company, but it is also a great national institution. I think there is hardly any Indian in this House who will not wish all success and prosperity to this great company. It is also admitted that in the case of a key industry like the iron and steel industry, every effort should be made to develop all such concerns in India. On this industry certainly depends multifarious other subsidiary industries and we are all anxious that this great concern may flourish. When India, some years before, accepted the principle of discriminating protection, we certainly thought that all those industries that had potentialities for the future should have protection even at the apparent greater cost for the consumers for the time being. So there is no question about giving protection to this industry, but, as I go through the particular Act, I find that it was thought at that time that by another period of seven years, that is, by the year 1933-34, the time will have been reached when this company may not require any further assistance by way of protection and the reason of such expectation was mainly based on the fact that with larger scale production with new kinds of machinery, there will be less cost, particularly because the cost of labour and the price of coal, which constitute the main elements of this industry, have gone down and it was expected that this artificial propping up by means of protection may not be required for a very long time. It was with that view that in the Act itself, in section 3, it is provided that the Governor General shall not later than the 31st day of March, 1934, cause to be made, by such persons as he may appoint in this behalf, an inquiry as to the extent, if any, to which it is necessary to continue the protection of the steel industry in British India and as to the manner in which any protection found necessary should be conferred. So it is not necessary for any Resolution here, in this House, to ask for an inquiry. That will come as a matter of course. I have tabled this amendment to Mr. Amar Nath Dutt's Resolution, because I could not agree with him on some of the points he has raised, particularly in clause 1 where he suggests that some amount of control and supervision should be assumed by Government over the management of the company. There are some other points also on which I do not fully agree with him.

Mr. N. M. Joshi (Nominated Non-Official) : Are you against supervision ?

Mr. S. C. Mitra : I do not want any control from Government in the management of this great national industry.

Mr. N. M. Joshi : But it is a national Government ?

Mr. S. C. Mitra : When it will be a national Government, I shall revise my opinion but, in the meantime, I do not subscribe to the views of my friend, Mr. Amar Nath Dutt. In my Resolution I merely suggest that the Government in setting up the statutory inquiry, as is contemplated in section 3, will see that there are representative men, if possible from this House, also representation of labour and representation of the subsidiary industries which depend for their maintenance on this big concern. I think the Mover of the motion will not be far against this opinion, because I do not think he is very much anxious for each of the items of his Resolution but for the general purpose of his Resolution, namely, that it should be a comprehensive inquiry and I do not think that he has any idea of casting any aspersions on the management or of suggesting that it is run inefficiently. But there is no doubt that there was some public opinion in Bengal and I have received several telegrams from influential people from Bengal. I shall read them. One is from the Secretary of the Indian Association who says :

“ Indian Association strongly supports Resolution urging inquiry into the working of Tata Iron Works.”

Another is from Mr. Mujibar Rahman, Editor, *Mussalman*, who says :

“ Amarnath Dutt's Resolution connection working of Tata Iron and Steel Works has my whole-hearted support.”

Another is from Nazir Ahmed Chaudhury, Editor, *Mohammadi*. The others are from the Secretary, Iron Founders Association, Mr. Nasiruddin, Editor, *Saogal*, Mr. Santosh Kumar Mallick, President, Calcutta Iron Merchants Association and another from the British Indian Association. I have received a telegram quoting from the *Amrita Bazar Patrika*. Another is from Mr. Lalmohan Ghose, representing dealers in iron and steel, who says that Tatas are now doing their best and that it is really not necessary to press for the enquiry, because they expect it will be all right in future. Now, Sir, it is perfectly true that there has been some public opinion about the working of this company in Bengal and I am glad to say that it has greatly subsided since the appointment of Mr. Dalal as Managing Director, because I have heard from the representatives of several associations who have approached me to discuss this matter that they are getting far better hearing and treatment from the new Managing Director. So what I now suggest is that when there is going to be an inquiry, let it be on a broader basis and, if possible, public men should be included as members of that committee. I fully agree that in an industry like the iron and steel industry, which is a key industry, it may be necessary to give protection for a very long time, but every endeavour should be made that the sacrifice on the consumers may be minimised to the least. I hope the Government will not take the point of view of opposing this Resolution, in its spirit. It may be, the wording is not happy. I do not even insist that my amendment should be accepted in its present form, but what I expect from Government is that the spirit of this Resolution may be accepted. Sir, I move my amendment.

Mr. Nabakumar Sing Dudhoria (Calcutta Suburbs : Non-Muhamadan Urban) : Sir, I beg to move the amendment that stands in my name and which runs thus :

“ That in clause (i), for the word ‘ Government ’ the words ‘ the Central Legislature ’ be substituted.”

Sir, there is no gainsaying the fact that for some time past the affairs of the Tata Company, both as regards its management and general administration, have been the subject of considerable public comment in the country. To assist them to get on properly with their business, measures of protection and bounty were afforded at the cost of Indian taxpayers, but they have not conducted their affairs in such a way as to render those measures any longer justifiable and entitled to popular support and sympathy. (*Voices* : “ Louder, please.”) Sir, my information is that the subsidiary and cottage industries, which have to depend so much upon the parent industry, carried on by the Tatas, have not been properly fostered by them.

The Honourable Sir C. P. Ramaswami Aiyar : Did I hear the Honourable Member aright ? Did he say “ subsidiary and cottage industries ” ?

Mr. Nabakumar Sing Dudhoria : Yes. This sort of apathy and neglect on the part of the Tatas has created a most regrettable state of things and the subsidiary and cottage industries have consequently all come upon evil times. It is apprehended that lakhs and lakhs of rupees will be lost if the attitude of the Tatas with regard to these industries does not improve betimes. The Resolution of the Honourable the Mover indicates only a few of the many ways in which the statutory inquiry, to which the Tatas are committed, is to be carried on. To my mind, the Honourable the Mover has done a great service both to the Tatas and the Government by suggesting some of the lines of the proposed inquiry, as his proposals render easy the task of the Government on the one hand, and afford the Tatas a timely notice to get themselves ready to face the inquiry on the lines suggested, on the other. Sir, another matter to which I should refer in this connection is that since my arrival in Simla last week-end, I notice that there has been going on a persistent agitation on behalf of the Tatas to vote down this Resolution which is quite well-meaning and harmless. Emissaries of the Tatas have come all the way from Tatanagar to do the propaganda with that end in view.

Sir Cowasji Jehangir : Sir, on a point of order,—it is very difficult to hear the Honourable Member. If the Honourable Member will only speak up if he has any allegations to make, that is very important ; otherwise, if he does not make any allegations, we do not mind not being able to hear him.

Mr. Nabakumar Sing Dudhoria : It is also my information that those emissaries have tried their utmost to interest the Honourable Members in their cause by distributing among them pamphlets and leaflets introducing matters which are entirely foreign to the present Resolution and are not intended for the information of the Honourable Members at this stage. Sir, such conduct on the part of the Tatas’ representatives serves only to betray their extreme uneasiness and apprehension in the matter, as the Honourable the Mover’s Resolution does not forestall any adverse conclusions against them and is not intended at this stage to

[Mr. Nabakumar Sing Dudhoria.]

censure them in any way. (*Voices* : " A little louder, please," " We can't hear you.") Sir, again, it was in this Legislature that the protection to the Tatas was agreed upon ; it was in this Legislature that the bounty was decided upon ; it was on the recommendations of this Legislature that Government patronage has been extended to them. Sir, it is then quite in the fitness of thing...

Mr. Jehangir K. Munshi (Burma : Non-European) : On a point of order, Sir, cannot the Chair afford us protection against manuscript eloquence ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Will the Honourable Member please repeat his point of order ?

Mr. Jehangir K. Munshi : May I appeal to the Chair to afford protection against manuscript eloquence ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The remedy is in the hands of the House itself. If they want the Chair to prohibit manuscript eloquence, they should move in the matter and get the House to decide the point.

Mr. R. S. Sarma (Nominated : Non-Official) : On a point of order, Sir, when the speech is so inaudible, can we not take it that the speech be taken as read ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Chair has no authority to regulate the audibility of the voice of an Honourable Member.

As the Honourable Member, Mr. Sarma, says that the House is not able to hear the Honourable Member Mr. Dudhoria's speech, will he make an effort to speak a little more loudly ?

Mr. Nabakumar Sing Dudhoria : Sir, it is then quite in the fitness of things that this Central Legislature should play the principal part in the forthcoming statutory inquiry into the Tatas. It is for this reason only that I have suggested the substitution of the words " Central Legislature " in place of the word " Government " in clause (1) of the Resolution. Sir, with these words I move my amendment.

Mr. R. S. Sarma : Sir, if I rise, it is not for the purpose of opposing this Resolution of my Honourable friend, Mr. Amar Nath Dutt, but to throw a little light on the genesis of this Resolution. The Honourable the Mover of this Resolution opened his remarks this morning by saying that it is a very innocent, patriotic Resolution which all Indians should support. I should like respectfully to point out, Sir, that this Resolution is not the innocent, simple and well-meaning thing that it looks on the surface. Lest there should be any impression that this Resolution has the support of a large number of non-official Members on the other side of the House as most of them have put their signatures to this, let me at once tell the House that some Members themselves have confessed to me that they put down their signature to the Resolution without even reading it.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Do you support it or do you oppose it ?

Mr. R. S. Sarma : I am coming to that. If you follow my speech, you will understand that I am rather inclined to support the proposal for a statutory inquiry contained in the Resolution whilst stoutly opposing the implications contained in it. Sir, the Rules and Standing Orders that govern the procedure of this House prevent any Member from attributing motives. The Honourable the Mover of this Resolution has recently sustained a great domestic bereavement and I offer him my sympathies here and I do not want to say anything which may wound his feelings. Let us, therefore, assume that he and others, who have supported this Resolution and who are asking for Government control over this industry, have been actuated by the highest and the most laudable motive that an industry which has received so much help from the State should follow, in its working, a policy which, while it is conducive to its own benefit, must not militate against the best and the highest interests of the country. Let us assume that ; but at the same time, if we inquire into the genesis of this Resolution, we will find it difficult to escape from the suspicion, that neither any love for Labour nor any love of Indianization nor any anxiety for the future prosperity of this great industry which is at the bottom of this Resolution, but the inspiration for this Resolution has emanated from an ignoble quarrel between the great institution of Tatas and another subsidiary industry—an industry whose existence was made possible by the generosity and the facilities afforded by the Tatas and whose kindness this subsidiary industry is now seeking to repay by following a policy of perpetual, petty pin-pricks. Mr. President, by the very magnitude of their conception, and the greatness of the undertakings and the manner in which they have to execute these undertakings, those who are in charge of this great, stupendous concern have often been the target of public criticism in this country ; and when, owing to circumstances beyond their control, they had to ask for and get Government support in order to enable this great key industry to tide over a difficult crisis, these public criticisms became more frequent, and more virulent. And for these subsidiary industries at Jamshedpur any stick is good enough to beat the Tatas with. Jealousy at the great achievement of the Tatas and chagrin at their own disappointment have combined to create in Jamshedpur a situation which, while it should be most annoying to Tatas, would, I am sure, not affect them in the least. But the limit is reached when by a series of machinations and manœuvres the authority of the supreme Legislature in the country is sought to be exploited not for the purpose of ventilating real grievance but for the purpose of assailing the Tatas in order to make it impossible for them to carry on their great national undertaking.

Sir, coming to the text of the Resolution itself, it contains many issues, relevant and irrelevant to the inquiry that is going to be held next year. I may say this that clause (vi) will give a clue to the real nature of the onslaught. It is not anxiety to improve the lot of Labour in Jamshedpur, it is not anxiety to hasten the process of Indianization which is at the back of the mind of the Mover, because I shall presently prove to the House on unimpeachable authority that the Tatas have done wonderfully well into the matters. The present fight is but an echo of the old quarrel between the Tatanagar Foundry in its various incarnations and the Tatas regarding the abolition of the revenue duty

[Mr. R. S. Sarma.]

on pig iron. The battle between these two firms on this particular question was won and lost when the Tariff Board definitely said that the abolition of this particular duty on pig iron, far from being conducive to the benefit of the subsidiary industry, would be detrimental to the scheme of protection that they were themselves recommending. With regard to the sale policy of the pig iron combine, the Tariff Board said, after an exhaustive inquiry, that any policy other than the one that was pursued by the Tatas would bring the profits to a point below that assumed by them for the purposes of their scheme of protection. They, however, recommended that this particular question may be taken up when the next statutory inquiry was held, and it is to set the stage for that inquiry that this Resolution has been tabled and this agitation has been started.

Sir, the Honourable the Mover of this Resolution also said that an inquiry should be held with regard to Indianization and the conditions of labour in Jamshedpur. Probably the Honourable the Mover forgets that when any big industry applies for and gets help from the Tariff Board, these questions are invariably gone into and they did go into these on the last occasion. I may say at once on these two matters the opinion of the Tariff Board is very much in favour of the Tatas. They say with regard to labour conditions :

“ Throughout our enquiry we have kept in mind the importance of securing satisfactory labour conditions in the industry. With this object in view we have inspected both the works and the town of Jamshedpur and we are satisfied that the arrangements made by the Company in this respect are not merely adequate but compare very favourably with those of other industries in India.”

Then with regard to the Indianization they say :

“ In regard to the superior staff, the Tata Iron and Steel Company has consistently followed a policy of replacing Europeans and Americans by qualified Indians. The progress made in the last three years is shown by a comparison of the numbers of covenanted employees.”

In these two matters they have given their opinion definitely. Lest there may be an impression that this was done so many years back, there is the evidence and the testimony of the Labour Commission. Coming, then, to the first part of the.....

Mr. B. Das : Is not the report of the Tariff Board an antiquated document ?

Mr. R. S. Sarma : That is the reason why I have said that lest there may be an impression that the report of the Tariff Board is an antiquated document, there is the testimony regarding these two matters of the Labour Commission. With regard to the first part of the Resolution itself, I must most respectfully say that it should not go unchallenged because it seeks to nullify the principles that the Fiscal Commission and the Tariff Board have laid down. It appears to me that the Honourable the Mover wants to introduce communism and socialism in this country at the earliest possible moment and by the easiest means. This Resolution exactly introduces communism, Sir.

Mr. N. M. Joshi : Do you want State protection ? If you want protection, why should you object to control ?

Mr. R. S. Sarma : That is what I am telling. If every private industry that asks for protection is obliged to have Government control,

STATUTORY INQUIRY INTO THE WORKING OF THE TATA IRON AND STEEL 747
WORKS.

I say we shall have to say good-bye to all private enterprise. Every country in the world has its private enterprise including some key industries getting State help and certainly the State does not control them.

With regard to this Resolution, Sir, I also find that one gentleman has affixed his signature who has distinguished himself as an ardent communalist. I refer to my friend, Mahmud of Ghaznavi. I never before knew, Sir, that all the difference between communalism and communism is the difference between Ghazni and Ghuznavi. In conclusion, let me make it very plain that if this Resolution is accepted, it will throw away and cast to the winds all the well considered recommendations of the Fiscal Commission over which you, Mr. President, presided with such distinction and agreed and acted upon by every illustrious predecessor of the distinguished gentleman who now leads this House.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhammadan Rural) : Sir, I oppose the Resolution and all the amendments thereto. As regards the two amendments of my Honourable friends, Messrs. Bhuput Sing and Dudhoria, I must confess, I have heard so little of their speeches that I am not in a position to reply to them. As regards the amendment of my Honourable friend, Mr. Mitra, I think if that amendment had come at the proper time, it would have commanded considerable support in this House. In the first place, Sir, an enquiry will be held sometime in the beginning of next year. I think, therefore, it is rather premature to fix up the personnel of the inquiry board at this stage. Secondly the Resolution wants an enquiry to be made which is sure to be made as a matter of course by the inquiry board because that would be one of its primary duties. Coming to the Resolution, Sir, though I have listened to the speech of my Honourable friend the Mover with great attention and also with great patience, I have not come across a single ground, even the flimsiest ground, on which any of the insinuations which are contained in the Resolution could possibly be based. My Honourable friend repudiated any idea of making any insinuations or charges against the Tatas, but I believe, while he was making that repudiation, he was indulging in the usual clap-trap of a man who finds that he has put his foot into it and wants to make the best of a bad job. If the Resolution is not a series of insinuations, I say it is absolutely meaningless and ought not to have been brought on the floor of the House today. For, what is the object of my Honourable friend in moving such a Resolution, if not to insinuate against the Tatas in the several charges which form part of the Resolution. Sir, had he put forward or indicated a tittle of evidence in support of his insinuations, I could have very well understood it and I could have very well realised the anxiety of a member of the Nationalist Party "to do everything for the good of the country", but there is not the slightest indication of any evidence on which any charge against the Tatas could possibly be

[Mr. N. N. Anklesaria.]

made. No doubt at the end of his speech my Honourable friend talked of enormous salaries being given to certain officers of the company. As I then interjected it was a very very old story. We heard of a managing director being paid Rs. 25,000 ; that was long long ago. I say if a managing director was paid Rs. 25,000, what is there for anybody to trouble himself about. Do not lawyers, do not eminent counsel earn fees far more than Rs. 25,000 per month. (Hear, hear.) The only question is whether the man who was paid Rs. 25,000 was worth his salary. I say not a word has been said against that contention of mine. The Fiscal Commission over which you presided, Sir, has definitely laid down that for a number of years trained skill will have to be paid very highly in India and if trained skill cannot be obtained in India, surely the works should not be closed down. Trained skill must be imported and must be imported at the price which trained skill demands and obtains in other markets besides India. My Honourable friend, the Mover, seems also not to have read the debates which took place on the floor of this House only last year. Then, the several charges which my Honourable friend, Mr. Das, made frankly against the Tatas were replied to by Sir George Rainy. The Tatas, as pointed out by Sir George Rainy, had brought down the amount of salaries paid to non-Indians to about half the amount they paid in 1926. Well, Sir, if this is not economy, if this is not reduction of salaries, I do not know what is. Then my Honourable friend said that Pandit Nilakantha Das made several charges against the Tatas in 1930 on the floor of this House and in the presence and within the hearing of one of the directors of the Tatas, Sir Purshotamdas Thakurdas. Sir Purshotamdas is a friend of mine and I know that if he had thought it necessary to answer those arguments and those allegations of Pandit Nilakantha Das, I am quite sure he would have absolutely annihilated them. If my Honourable friend had simply taken the trouble to read the charges of Pandit Nilakantha Das he would have found that the charges made by him were not against the Tatas at all ; they were made against the English officers of the Tatas for the sole reason that these English officers had committed the heinous crime of being born Englishmen. That is the sole reason why those charges were made against the English officers of the Tatas. Now, if that be the case, what is there to answer in those charges. I cannot understand. Sir, I can understand my Honourable friend bringing forward this Resolution on the floor of this House if he did not have access to the report of the Tariff Board. I can understand his bringing forward this Resolution before this House if he did not have access to the reports and the debates of this House for the last year, or the debates of the other House for the same year, or if he did not have access to the speeches of Sir George Rainy in this House or to the speeches of Sir Phiroz Sethna in the other House. Having all these materials at his command and yet bringing forward a Resolution of this character with its several charges, well, I can only say, it is scandalous. Then, I ask again what could possibly be the object of this Resolution except to insinuate against the Tatas. No doubt my Honourable friend repudiated any such idea of making any insinuations. But if he did not want to insinuate anything, I challenge him to point out how better he could have and how more insidiously he could have made charges which are contained in the Resolution than he has made them in the Resolution itself on the present occasion.

Now, Sir, coming to the Resolution itself, what does my Honourable friend seek to impress on Government ? He wants in the first place that Government should control the management of Tatas. Now, Sir, I really do not know if he had first consulted the Honourable the Commerce Member on the point before he drafted his Resolution and whether he had ascertained from the Commerce Member that he is willing to accept the portfolio of the management of the Tata concern as long as he holds office.

The Honourable Sir C. P. Ramaswami Aiyar : Among the many matters brought forward by my Honourable friend, the Mover, that particular request was not one.

Mr. N. N. Anklesaria : It is impossible, Sir, for the Government of India to undertake the management of a concern like Tatas or in any way effectively to control it.

An Honourable Member : But they manage the railways.

Mr. N. N. Anklesaria : They do manage the railways, I will not say badly, but not so well as private individuals would do.

Then, Sir, I ask another question. What does my Honourable friend expect the Commerce Member of the Government of India to do ? Would he expect the Tata's directors to consult the Commerce Member of the Government of India on the selling of their steel, or the employment of their clerks or would he rather expect the Government of India to lay down the broad policies of the business of Tatas ? If so, if the broad policy laid down by Government results in financial loss who would be responsible to the shareholders of the company, Government or the directors ? My Honourable friend is a lawyer and he ought to know that under the Companies Act the directors are the persons solely responsible to the shareholders for the management of the affairs of the company, and that responsibility cannot be delegated to any other people. Unless therefore you amend the Companies Act and relieve the directors of all responsibility I do not think you can ask Tatas to consent to Government interference. Sir, the Fiscal Commission has said that the bane of India as regards its industrial development is a certain want of confidence in owners of capital and it should be the business of Government to remove their fears. Now I ask my Honourable friend, if Government interferes with and controls private concerns would it tend to allay the fears of the capitalists or would it tend to accentuate them ? Further, Sir, my Honourable friend wants to inquire whether Tatas have "Indianised". If he had only taken the trouble to read the report of the Tariff Board, 1926, on the steel industry he would have found that that was a question which the Board had specifically put before itself for inquiry and was actually inquired into, and the Board has given their views on it at pages 75 and 76 of the report. Then, as I said before, Sir George Rainy on the floor of the House stated last year that Tatas have halved the salaries paid to their non-Indian employees. One word, Sir, as regards this proposal about Indianisation just to show to the House how irresponsible criticism has been levelled against national concerns by some of the Honourable Members sitting on those Benches. Last year my Honourable friend Mr. Das said, and I think said correctly,—that Indianisation does not mean shifting responsibilities or privileges from white shoulders to black or brown shoulders, but it means lesser pay and lesser allowances. In that very same speech Mr. Das protested against Tatas turning away qualified Indians who wanted salaries on the European scale....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. The Honourable Member's time is up. Mr. Das.

Mr. B. Das : Sir, when I was listening to the debate this forenoon and also this afternoon, I felt I have become the Rip Van Winkle of this Assembly. It seems as I have slept for eight long years from 1924 to 1932, and I suddenly wake up and find general interest in the scheme of protection roused all over the House. Sir, in every protective Tariff measure introduced in this House, I have taken part and I have seen how the House took very little interest in such matters, but to-day I find that there is general interest all over the House.

Sir, when I read the long text of the Resolution moved by my Honourable friend, I felt that there are certain principles enunciated which,—however welcome they may be to my Honourable friend, Mr. Joshi, who defined these very principles in 1924 and fought very hard for them,—I, as a business man and as a representative of commercial interests outside, though not in this House, cannot subscribe to, namely, Government control of our industries, simply because the State concedes a certain amount of protection. I would have welcomed a Resolution from my friend, Mr. Amar Nath Dutt, if he had aimed at discussing the whole scheme of protection, the scheme that whenever an industry wanted any protection certain conditions must be fulfilled. I am glad to see here to-day my Honourable friend, Mr. Mody, who, after his arduous labours in Bombay, has now come to enlighten us on this particular matter. He is anxious to protect the cotton industry and, at the same time, probably kill the handloom industry of India. I should have liked to have a Resolution on the floor of this House which would indicate to Government certain principles that must be fulfilled before any industry is granted protection.

Of the various amendments that I find, I am more in sympathy with what my friend, Mr. Bhuput Sing, moved and Mr. S. C. Mitra moved. Without commenting on the personnel of the committee of inquiry in my friend Mr. S. C. Mitra's amendment, I welcome that amendment, because he particularly lays stress on one point, how far the Tata Iron and Steel Works have attained stability by the said protection. That is a principle which the State and the Legislature must lay emphasis on ; and whenever industries demand protection, there should be a certain system of departmental inquiry or executive inquiry to see that those industries have become stabilised and that they do not lay further economic stress on the consumers and on the taxpayers. During the last week, we have been flooded with telegrams from Bengal and also from Bihar and Orissa. I know Bengal has taken objections to schemes of protection in the past, because Bengal happens to be a consumer province, while Bombay and Jamshedpur—which now unfortunately is going to be situated in my friend Mr. Gaya Prasad Singh's province, and not in my own province...

An Honourable Member : Do you want it or do you not want it ?

Mr. B. Das : I would very much welcome Jamshedpur to be part of Orissa. But as I was saying Bengal always grouses to pay tariffs as she is always a consumer. I find recently there has been an agitation in Bengal against non-Bengal mill goods and piece goods and that they

want to boycott even Bombay and Ahmedabad. How far this provincial patriotism is good at this stage in our national existence, I cannot say. But, I find, there is such a feeling in existence in Bengal. I think the original Resolution is too premature. Tatas have received protection for ten years. In 1924, those of us who took part in that debate expected a scheme of protection, say, for three years. Suddenly conditions became different and, in 1927, the protection was given till 1934. Whether industries can claim perpetual protection is a thing for this Legislature and for the future Legislatures to see. Whether there will be another Legislature in 1934, I cannot say ; we all expect under the new constitution there will be a Legislature which will define and emphasise this scheme of protection. But I find that the new Legislature will not come before 1934. It is for this Legislature to define its attitude towards all demands for protection from industries. While I would like certain protection to be given to industries in their initial stages, so that they can develop, I myself would not subscribe to the principle that any industry, be it the cotton mill industry or the steel industry or the sugar industry or any other industry, should demand perpetual protection and thereby become a perpetual burden on the consumers and on the taxpayers. Therefore, I have no other alternative but to support the amendment of my friend, Mr. Mitra, because the Tariff Board, as constituted, cannot visualise what the Legislature is thinking at the time over the principle of protection, and, therefore, the Government, whenever they appoint a statutory committee, whether the present Tariff Board or any other future Tariff Board, will take the assistance of this Legislature to define the terms of reference about protection of Tata industry or any other industry for which protection is claimed from the Government or from this House.

While I do not agree with all that has been said by my friend, Mr. Anklesaria, I agree with him in one thing that the Tata management have done their best to Indianise their superior staff and knowing, as I do, that they have brought down the European staff from 125 to 72 during the last year when the Galvanised Protection Act was passed on the floor of this House, I think they have made very rapid progress and if the management go on in that way they will surely satisfy the purpose of Indianisation which this Legislature aims at. I do hope and I do appeal to my Honourable friend, Mr. Amar Nath Dutt, that he will see his way to accept the amendment of my friend, Mr. S. C. Mitra, so that the House may not be divided on the various points raised in the various recommendations of his elaborate Resolution in some of which I differ from him.

Much has been made that subsidiary industries are not receiving protection ; but as far as my memory goes, if the Tatas are running at a loss, it is due to their original contract with one subsidiary concern, the tin-plate industry, over which Tatas are losing every year so many lakhs of rupees. So, while subsidiary industries ought to have certain concessions, in the matter of pig iron I am personally of the opinion and I have spoken on the floor of this House on various occasions, that Tatas should give to all indigenous industries pig iron at the same price as they sell in Japan or in London. This Legislature should not enforce on Tatas to enter into contracts with subsidiary companies to the advantage of those industries ; otherwise, as it has happened, in the case of tin-plate, it will lead to perpetual losses. With these words, I support the amendment moved by my friend, Mr. S. C. Mitra.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : Sir, my Honourable friend, Mr. Amar Nath Dutt, has placed before this House a Resolution which is in the nature of an indictment of the management of the Tata Iron and Steel Company. My first and strongest objection to this proceeding is against my Honourable friend's selection of this forum for the ventilation of the grievances he entertains against the company. In the course of the speech that my Honourable friend made this morning in support of his Resolution, my Honourable friend made various allegations against the company. I ask him, how does he expect this House to deal with the matter ? Does he expect the House to form a judgment as between himself and all those who may have a different point of view to urge ? I for my part can say a lot about the way in which the management of the company has been conducted, its treatment of labour, its attitude towards the question of Indianisation and towards subsidiary companies ; I am in a position to place a great deal of such information before the House. Am I entitled to do it ? After I had placed such information before the House, would the House be in any better position than before in coming to a right decision ? A general and rambling discussion on the floor of the House is surely not the proper means of arriving at a decision on questions of this character, and, in view of the fact that the Tariff Board are going to consider every question connected with the management of the company within the next few months, I fail to see the occasion for this Resolution.

Sir, I claim to have a fairly considerable experience of Tariff Boards and Public Committees and Commissions. I do not
 3 P.M. know how many times I have had to appear before them and fight the case of the industry I represent. I can say with confidence that on not a single occasion have I found the Tariff Board or any committee of inquiry or commission ignoring any allegations made against the industry it is inquiring into. On the contrary, I have found the most meticulous consideration paid to even the wildest allegations which have been made, and if that is the case, I want to know from my Honourable friend what his object is in bringing the various points of his Resolution before the House. Apart from that consideration, I feel, Mr. President, that the attack levelled by my Honourable friend against the company is very unfair though I recognize the restraint he showed in the speech he made. Apart from the consideration that no facts and figures have been attempted to be placed before the House in support of the motion, my Honourable friend has not told us exactly how he got all the information which he says he has. I should have thought that, when he was making allegations against the Tata Company which, as my friend, Mr. Mitra, rightly pointed out, is a national concern, my Honourable friend would have taken care at least to ascertain the other side of the case. There is no evidence before us to show that this very useful and very necessary precaution had been taken by my friend before he launched an attack against the company, and I say, Sir, that in my view of the case, however restrained the speech of my Honourable friend may have been in supporting his Resolution, the very fact that he has made certain charges without making the least attempt to verify them stamps the proceeding as grossly unfair.

Now, Sir, I shall say a few words about the substance of the Resolution. I waited patiently to find out what my Honourable friend had to

STEEL WORKS.

say on each one of the numerous heads on which he has based his attack on the company. As regards Indianisation, all that my friend had to say was that he did not think that efficient men were kept by the Tata Company. How does he arrive at this conclusion? Has he told us of any single instance in which jobbery was perpetrated, in which the right man was not put in the right place? All that my friend said was that he did not think that efficient men had been kept. My answer will be a very brief statement of the facts. In 1925-26 the total amount paid to covenanted hands, both in the shape of salaries and bonus, was in the neighbourhood of Rs. 34½ lakhs. Six years later this figure was brought down to 18½ lakhs. In 1924-25, 223 covenanted officers were entertained by the company, Europeans and Americans. In June 1932, the figure has been reduced to 78.

Then, Sir, the company have instituted a system for training up apprentices which, I think, is a model to all industrial organizations. Not only are they training up people for the superior staff, for positions of foremen and mechanics, but they are also training up an intelligent class of work people, and paying them very well, too, during the process of training. In view of these facts, I do not think that it is possible for any one to contend that Indianization has not been carried out sufficiently or with that rapidity which is required in the circumstances of the case.

With regard to the relations of the company with labour, I shall say very little, for I know that the moment I touch the subject, my friend, Mr. Joshi, will get up and talk, and I shall be in the unfortunate position of not being able to answer him. All that I would like to say is, and Mr. Joshi can make what use he likes of it, that the cost incurred by the company on housing, sanitation and various other forms of welfare activities has reached the colossal figure of 1 crore and 68 lakhs (Applause), and the annual recurring cost is something like 11 lakhs.

As regards the wages paid to labour, it is unnecessary to say anything. My friend, Mr. Joshi, was on the Labour Commission, and I am sure that he must have made whatever attempts it was possible in his power to make to prove that Jamshedpur labour was not being adequately paid. However, the report says nothing about it, so as no news is good news, no criticism must be regarded as a commendation.

Then, Sir, as regards provident fund rules, leave rules, the application of maternity benefits, workmen's compensation and the like, I think that what the Tata Company have done for their labour stands on a pedestal of its own.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Then why do you have labour strikes very often?

Mr. H. P. Mody : If there were not people like my friend, Mr. K. Ahmed, there would be no strikes. If labour was left to itself and was led by people who did not put on a morning suit when going to the Viceroy's House, then labour would be infinitely happier and more contented than it is; but the unfortunate part of it is that it is led by men who have no real concern with labour. (*An Honourable Member* : "Except Mr. Joshi.")

I do not want to go over the rest of the speech of Mr. Amar Nath Dutt. I think it is rather outrageous, and I hope my friend will pardon

[Mr. H. P. Mody.]

the use of that word, that all these charges should have been made without adducing any evidence in support of the allegations. Have we got any facts and figures to show that the management of the Tata Company is carried out in anything but a satisfactory manner? Nothing at all. All that my friend did was to quote extensively from the speech of a former esteemed Member of this Assembly, to whose speech lasting for a couple of hours I had the doubtful pleasure of listening two years ago. Mr. Amar Nath Dutt forgot that it was he, and not Pandit Nilakantha Das, who was bringing up the Resolution; and he might have had something to say which was not stated in the long tirade of Pandit Nilakantha Das two years ago.

Sir, I would like now to deal for one moment with the various amendments. As regards the first amendment of Mr. Bhuput Singh, it seeks to place before the Tariff Board certain matters for their consideration. I say that such an inquiry is altogether superfluous. No Tariff Board worth the name would recommend any protection or would turn down any protection without going into every single matter covered by the amendment and by a great deal of what appears in the original Resolution. After all, on what does the Tariff Board base its proposals for protection? It has to find out whether the particular industry into which it is enquiring is conducted with efficiency; whether costs have come down; how it deals with labour; how the management is being conducted—all these things are looked into very meticulously, and no man who has ever read a Tariff Board report on any subject can possibly come forward with an amendment of this character, which is altogether superfluous.

I next come to the amendment of my Honourable friend, Mr. Mitra. I should like, first of all, to congratulate my Honourable friend on the temperate and extremely fair way in which he has dealt with the whole question. I would like, however, to point out to my Honourable friend that the sort of constitution that he requires for the Tariff Board is not possible. The whole scheme of protection for industries is based on the fact that the case of every industry must be investigated by an expert body, capable of handling the various questions arising out of the claims of that industry to protection. That body has to examine the works cost, has to find out how the management is meeting competition from abroad, how the demand for protection affects the consumer and other industries, and questions of a like character. In view of that, the demand put forward by my Honourable friend, Mr. Mitra, is not feasible at all. After all, it is not the business of a non-official committee to go into such technical questions. If it were so, we would have every industry being sat in judgment upon by non-official committees instead of by expert bodies which are capable of coming to right decisions. I say, therefore, while I appreciate greatly the spirit in which the amendment has been proposed, the House will be singularly ill-advised in accepting at any time any such constitution for a Tariff Board.

Sir, I do not think that the Resolution and the amendments require any further comment or criticism. I was expecting that things would be said which would necessitate a categorical refusal. All that we have however is a long and meaningless Resolution, and I am sorry that my

Honourable friend did not see the wisdom of withdrawing it when he found he could not say anything in support of it.

Mr. G. Morgan (Bengal : European) : My Honourable friend, Mr. Mody, in the latter part of his speech has put the position clearly before the House. Most of the arguments for and against the management have been put forward—that is a part on which I do not propose to touch at all. The management is a matter between the directors and the shareholders of the company, and it is not for this House to decide how the management should be run by a certain body of directors. The shareholders have their opportunities at meetings, and if they cannot arrange their own management, well, then they have to suffer for it.

Mr. K. Ahmed : Why did you ask for bounties ?

Mr. G. Morgan : The Central Legislature has every right to scrutinise and examine, and they have the power to do so, on account of the protective duties and bounties ; that must be so. Where the bounties and protection are monies paid by the tax-payers of this country, the Central Legislature certainly has a right to scrutinise the position of industry to which protection and bounties have been given, and so far as I can understand, the Tata Company acknowledge that position.

Now, Sir, with regard to my Honourable friend Mr. Amar Nath Dutt's Resolution, I am sorry to say that it is a very mixed grill. The first part of part (i) of his Resolution is, as my Honourable friend Mr. Mody has just said, naturally a part of the investigation by the expert committee. The second part with regard to the assumption of control by Government—I do not think there is anybody in this House who would agree to it. My Honourable friend Mr. Mitra has definitely said that he would not agree to it. With regard to Indianisation, that the Tariff Board has enquired into originally and will surely enquire into it again, also with regard to the firm and its labour. With regard to parts (iv), (v) and (vi), those matters are questions of management and marketing, which have nothing to do with this House at all. No. (vii) is what my Honourable friend, Mr. Mody (I am sorry I refer again to my Honourable friend), has already stated that that naturally would be a part of the enquiry by the Tariff Board.

Now, Sir, getting away from management and the side lines of this debate, we come to the position of the Tata Iron and Steel Company as an industry. I do not accept any motion suggesting an independent elected body or nominated body—there is not the slightest doubt that it must be the Tariff Board which is to carry out the enquiry. If any of my Honourable friends feel that they ought to be in a position to state their case, we all know that there is never any obstacle put up on the part of the Tariff Board against any one coming forward as a witness in any enquiry being made on industries in India. The main question is, and I am sure it is accepted by this Honourable House, that the enquiry must and will be held. It will be held, and the House is in sympathy with that. The question that seems to worry a great many of my Honourable friends is how that enquiry has to be conducted, and what are to be the terms of reference.

[Mr. G. Morgan.]

The Tariff Board carries out its enquiries on a very wide basis, but, as there seems to be so much divergence of opinion in this House, I would like to ask the Leader of the House if he could give us some assurance as to how the enquiry would be conducted and on what lines, or give any indication about the enquiry as will satisfy the two very divergent sets of opinions which have been given expression to today in this House,—with that assurance I have not the slightest doubt that my Honourable friends will withdraw the Resolution and the amendments which are before us at the moment. I would ask the Leader of the House, if when he speaks on this subject, he will give us some indication and assurance as to the terms, so that all the divergent opinions could be brought into one and the general principle accepted.

Mr. N. M. Joshi : Mr. President, I had absolutely no intention of taking part in this debate. Not that I am not interested in the great work at Jamshedpur ; certainly I am not interested in the shareholders of that company, but I am interested in the workers at Jamshedpur. But, Mr. President, I was not going to speak this afternoon at all, for the reason that I was more interested today in seeing that the Resolution of which I had given notice may come up, but unfortunately there is no hope now of my Resolution being reached, and so I think....

Sir Cowasji Jehangir : So, speak on that Resolution now.
(Laughter.)

Mr. N. M. Joshi : So, let me say a few words on this Resolution.

I assure you, Mr. President, that on this occasion I am not going to speak much about the labour conditions at Jamshedpur. The one question which interests me very much as regards Jamshedpur is this, that for the last 8 or 9 years the tax-payers of this country and the consumers of steel in this country have paid large amounts of money to the Tata Iron and Steel Company. I would like any committee that may be appointed or the Tariff Board that may inquire into this question, to inquire and find out what amount of money has been paid by the consumers and tax-payers of this country and by Government by way of subsidies and higher prices for the steel sold by the Tata Iron and Steel Company. I am not an expert nor am I a business man but my estimate is that all these elements taken together have paid to the company more than twice or thrice their original capital. That is my estimate and I would like any committee that may be appointed or the Tariff Board to find out what amount has been paid to the Tata Iron and Steel Company not directly by way of subsidies alone but indirectly also by way of higher prices and if it is found out that the tax-payers and consumers of this country have paid twice or thrice the capital placed into the industry by the shareholders, is it not reasonable that this House should consider whether it is not a better business proposition that the Government should have a control over that industry instead of leaving that industry to the shareholders. I would suggest that it is a matter for inquiry. Let an inquiry be made into this. My friend Mr. Morgan as a business man said that all these questions are questions of management and they are questions between the shareholders and the management. If these questions had been merely questions between the management and the shareholders, this House would not have discussed

this question at all and I am sure you, Mr. President, would not have allowed this question to be discussed. It is not a question between the shareholders and the management alone. It is a question between the company or the shareholders and the management on one side and the tax-payers and consumers of this country who have helped this company on the other, and therefore they have a right to say what management should exist or on what conditions help should be given to this company. I do not wish to speak any longer on this question. I shall only say a word or two about what my Honourable and esteemed friend, Mr. Mody, said about labour. I agree there are some labour leaders like myself who put on morning suit and see the Viceroy and are not in touch with the actual conditions under which the working classes live, but certainly I was not at Jamshedpur when the strike took place and if Mr. Mody will himself investigate the facts of the strikes at Jamshedpur he will have to admit that there were very few people like myself at Jamshedpur at that time who had come from outside and who had not known the conditions at Jamshedpur that were responsible for the strikes that took place. The strikes had taken place because there was discontent at Jamshedpur. It is not because of people who wear morning suits and see the Viceroy that the strikes take place but it is because of employers who become employers without going to their factories and whose sole concern is to spend their time in their offices or in their clubs that makes for these strikes. I do not wish to say any more about it. There is one word about the committees that have been proposed. My feeling is that a proposal to appoint a committee of elected members or non-elected members would be passing a kind of vote of censure on the Tariff Board and I feel that we are not justified in doing it, and if at all we are not satisfied with the work which the Tariff Board is doing, let us bring forward a straightforward proposition that we have no confidence in the Tariff Board, but it is not right to bring forward these proposals when there is a Tariff Board appointed to look into these questions. I must hold that there is a great responsibility upon this Government in choosing men for the Tariff Board. The men selected must be above suspicion of every kind. They must be real experts and they should have absolutely no concern with the industries which they investigate, but after these men are appointed let us give them our confidence, so that they can do their work honestly and to the satisfaction of the Legislature and the Government. I have nothing more to say.

The Honourable Sir C. P. Ramaswami Aiyar : Mr. President, I am afraid that having regard to the very wide field covered by the Mover in his original speech and by the several Members who have spoken, I shall be a little longer than I had originally intended to be. Before I proceed any further, let me advert to the provisions of Act III of 1927, which is the Act to provide for the continuance of the protection of the steel industry in British India. The object of that Act is the fostering and developing by means of protection for a period of the steel industry in this country. I grant that there are many side issues which may arise and which may be germane to this object but the first and main thing that has to be considered is the fostering and developing of the steel industry. Those factors which would help in the fostering of that industry are to be primarily attended to. Those

[Sir C. P. Ramaswami Aiyar.]

that would have the effect of hindering that development have to be guarded against and that is the sole consideration ; and let ~~me~~ without further delay deal with one matter *in limine* which has been referred to by more than one Member of this Honourable House. It has been suggested that certain meticulous and detailed inquiries should take place with regard to the manner in which this company markets its products, that is with regard to its sale policy and its purchase policy. Very indirectly and very incidentally those problems may arise before the Tariff Board when it initiates its inquiries but let us realise this—namely that if we interfere with the management of a commercial concern and in its marketing and its sale policy and if that commercial concern finds afterwards that its products are not capable of being sold at a profitable rate and if it finds that there is loss and if it comes again to this House and says that owing to our interference, because of our disturbance of normal conditions of trade, it has suffered loss and it wants still more protection, I would ask this Honourable House whether they would encourage that attitude on the part of that company. If the answer is in the negative, I think I am right in asking this House to leave matters to the Tariff Board for investigation to the extent to which such investigation may become absolutely necessary for the purpose of carrying into effect the main object of the Act, namely, the fostering and protection of the steel industry. Sir, what is the root idea underlying this policy ? Let me go at once to the Fiscal Commission's Report. My Honourable friend, Mr. B. Das, in the course of his remarks said that many of these reports are antediluvian. But considering that we have to work on the Fiscal Commission's and on the Tariff Board's reports, perhaps he will pardon me if I refer to them, although he may think I am labouring the obvious.

Mr. B. Das : I was only referring to the particular reference about Indianization in the Tariff Board Report.

The Honourable Sir C. P. Ramaswami Aiyar : I am gladly corrected. Mr. President, the industry must be one " possessing natural advantages, and it must be one which will eventually be able to face world competition without protection ". Protection is therefore given for the purpose, and only for the purpose, for the period, and only for the period, when the industry can stabilise its position and stand on its own legs so that it may face world competition. You must therefore regulate your policy, Mr. President, in such a way that that end may be secured ; and then, Mr. President, let us go to the 1923 Resolution of this House laying down the policy of discriminating protection. It will be found there that the requisites are to be very carefully and accurately laid down, and it was under the Resolution of 1923 that the first Tariff Board was appointed. Now let me dispose of one or two observations that fell from various Honourable Members. It will be remembered that during the statutory inquiry of 1926 many of the points which have been raised for consideration today were also discussed ; for instance, the question of depreciation, the question of labour conditions, the question of the appointment of Indians to higher posts, and the question in fact of management and general policy were all under debate. In truth it may be said that most of the points which were

made and vehemently made by Honourable Members did form the subjects of incidental inquiry—not because those points were fundamental but because the Tariff Board had to consider whether the management was efficient and whether the industry was so organised and run as would lead to the best results in the shortest time and best possible manner. In that way alone these inquiries became relevant, and I have no doubt that in the future inquiry contemplated by the Act of 1927 these investigations would be conducted with the same satisfactory results that attended the last inquiry ; I am laying a special stress on this aspect because an appeal was made to me to make it clear that the points which have arisen for discussion here would not be lost sight of in any inquiry that is started ; in fact it is impossible to conceive that they can be lost sight of, but Government cannot tie the hands of the enquiring agency or its own hands, and, Mr. President, let me now go back again to Act III of 1927. Section 3 thereof says :

“ The Governor General in Council shall, not later than the 31st day of March, 1934, cause to be made by such persons as he may appoint in this behalf, an inquiry as to the extent, if any, to which it is necessary to continue the protection of the steel industry in British India and as to the manner in which any protection found necessary should be conferred.”

There is absolutely no limit regarding the personnel, no restriction regarding it. But let me not confound or confuse the issue. I wish to make it perfectly and abundantly clear that Government will deprecate the introduction of any but an expert element on that particular inquiry. (Hear, hear.) True it is that this House is the ultimate master of the policy underlying protection. True it is moreover that the report of the Tariff Board will come up before this House and will be open to dissection, investigation, scrutiny and condemnation if necessary ; but the actual inquiry that is made must be an inquiry which will be lifted—well, I won't use the word ' lifted ' because I too am a politician—above the political sphere, I shall say removed from the political sphere and will be entrusted mainly to persons who are experts in the particular matter and who are chosen because they are experts ; and therefore, so far as this particular inquiry is concerned, I conceive it to be the duty as well as the opportunity and right of the Government to bring into existence a Board which will be specially qualified to conduct the inquiry from the point of view of trade and commerce and the conditions of the particular industry. Therefore it is that I find myself unable to accept the amendment of my Honourable friend, Mr. Mitra. To introduce at that stage a committee composed, as he and some other Honourable Members suggest, of Members of this Honourable House and of another House, of members of the subsidiary industries and of other persons would be to make it a body of advocates, a body not of detached experts, and the effect would be also to bring in as investigators the judges who would afterwards have to give a verdict upon the policy of that intermediate inquiry. Let me expand my argument. Ultimately, it is this House which will largely have to decide, on the basis of the recommendations of the Tariff Board, whether a case has been made out for protection, and if a case has been made out for protection, in what manner that protection should be given. It is the function, it is the jurisdiction and it is the privilege of this House to decide on that ultimately as judges, and they ought

[Sir C. P. Ramaswami Aiyar.]

not to enter, I submit, into a committee which is making a report to this House on this particular matter, and for that reason and for other obvious reasons I would oppose the introduction of Legislature into the committee which is contemplated under the Act of 1927. And now, Mr. President, various other questions have arisen with regard to such matters as the sale of pig iron. That, again, formed the subject of an inquiry and the conclusions of the inquiry are known to Honourable Members of this House. It was found at that time that there was no ground for the complaint that was made, and I may say that the question really is comprised in the proposition with which I started, namely, that the marketing of the products of the Tata Iron and Steel Company, although it is an important matter, is not a matter that is vital in connection with this question. I shall now take the Resolution and the various amendments. The Resolution is very comprehensive :

“ What proportion do the total assets of the Company bear to the aggregate value of the protection so far enjoyed by it by way of bounty and tariff.....”

Now what we find is this, that the total assets of the Tata Iron and Steel Company amount to about 18½ crores of rupees. It is difficult to discover the exact value of the protection and the concessions enjoyed by the company, but the aggregate of direct bounty is over two crores of rupees. Having said that, it will be obvious that when we are dealing with figures of that kind it will be impossible for us to interfere in the internal administration save to the extent which I have already indicated. To suggest, as the Honourable the Mover suggests, that some amount of supervision and control should be assumed by Government is to thrust upon Government functions and duties which Government cannot adequately and satisfactorily discharge. Sir, this is an essentially commercial proposition. The nationalization of public utility concerns has been referred to—that is a question which does not necessarily have any bearing on this matter nor is pertinent to its discussion. The first consideration is whether this country is going to be equipped so as to compete with foreign countries in this industry ? Is it going to organise itself for the purpose of that competition ? In order that an affirmative answer may be given to these questions, you must place that particular concern on most efficient commercial basis possible ; and I trust I shall be forgiven when I say that Government management, notwithstanding certain virtues claimed for it and rightly perhaps claimed for it, has got certain drawbacks. (*Mr. B. Das* : “ Hear, hear.”) I notice the implications of that cheer and realise what is meant by it. I do say that the question whether Government runs public utilities well or ill, satisfactorily or otherwise, is irrelevant. It is not the adequate, the appropriate and the proper authority and the agency for running commercial concerns, so as really to be able to cope with foreign competition and to make those concerns stand on their own feet against all the world. Government cannot take the risks and have the spirit of adventure that is essential to such an enterprise. From that point of view I would strongly urge that any attempt made either to make the Government supervise it meticulously or to control it, I must oppose.

I then come to the amendment of my Honourable friend, Mr. Dudhoria. He suggests that this Honourable House which is composed

of most estimable persons and of men of great political and professional experience should constitute themselves into a kind of a committee for the conduct of the Tata Iron and Steel Works. I submit that whatever our virtues are, that particular virtue to run a business like the Tata Iron and Steel Works is not one which is shared by most of us. At all events, let me on my own behalf deprecate the possibility of my acting in any such capacity. I submit that the Legislature as such is an inapt instrument for the object which is regarded as important by my Honourable friend Mr. Dudhoria.

Then, Sir, I come to the second, third and the fourth sub-sections of my Honourable friend, Mr. Amar Nath Dutt's Resolution. So far as the question of Indianisation is concerned, it will be remembered that the last inquiry went into that matter and there is no doubt, as I said incidentally, that matter will be gone into in any further inquiry. The same remark practically applies to the other topics. There have been heated controversies and trenchant speeches have been delivered by my Honourable friend, Mr. Mody, who speaks always forcibly, and by my Honourable friend, Mr. Sarma, and it has been suggested that there have been certain currents and cross-currents in this matter. All that I can say is that assuredly there has been a certain amount of propaganda. That is obvious. But how can we reproach the Tata Iron and Steel Company for flooding the Legislative Assembly with pamphlets. I am reminded of a fable by La Fontaine wherein it is stated, referring to a fox that it was a wicked animal because when attacked it actually defends itself. Now, it appears to me that after all even the Tata Company, when it is attacked, may have some little right to defend itself. Similar rights are possessed by the other side and they have also exercised these rights. But it appears to me, Mr. President, that after all this matter must be placed above these small controversies. Government are aware that there are agencies at Jamshedpur which do not see eye to eye with each other. Government are aware that there are, so far as Jamshedpur is concerned, certain agencies and companies which do not seem to approve of Tata management and probably Tata management do not approve of these companies. Government do not wish to come into these matters. But these little quarrels have nothing to do with the essentials of the matter. What we have to find out is whether the next inquiry will go into the necessary details. The last inquiry did so and there is no reason to suspect that the next inquiry will not do so. Now, so far as the question of labour on the works is concerned, this matter again was inquired into on the last occasion and there is no reason to think that the next inquiry will not concern itself with it and it is not my purpose here and now to enquire into the causes of an old strike. High wages and good housing cannot by themselves, apparently, obviate strikes but Mr. Joshi is an expert on such things and I am not. But let me say that there is a limit, an obvious and a natural limit, to these inquiries. Supposing the Tariff Board and his House say that the company must employ so many people and you must give them so much salary and other facilities, and then it is found that they are not able to achieve any profit, you will find that you are again let in for a much bigger bounty and protection. Those who are anxious to protect the Indian tax-payers and emphasise that aspect of the matter, will realise the point of my observations.

[Sir C. P. Ramaswami Aiyar.]

Then, Sir, I come to the 5th and 6th sub-sections of the Resolution which run thus :

“(v) whether and to what extent the sale of finished materials, semi-finished materials and scrap and rejected materials are being carried on in the best interests of the Company and consumers in India ;

(vi) whether the sale policy of pig iron is conducive to the best interests of the country.”

Now, Sir, with regard to that I do not wish to say more than I have already indicated. But assuming, as is evident from the previous records on the subject, that the Tata sell pig iron to country A or agency A, how can we really prevent them if this course is the most profitable ? I do not think, unless its policy is anti-national and is against the interests of the country at large, we have a right to interfere.

Then, Sir, I come to the last sub-section of the Resolution—whether the management has rendered every possible assistance to subsidiary and dependent industries, etc. Well, I have received some documents, strongly asserting that subsidiary industries are being starved and badly treated. I am in possession of other documents indicating that one subsidiary industry or another says that the Tata Firm has its knife into it and there have been duels which are not always conducted in the most peaceful manner. But we are not the forum for these discussions.

I have already spoken on Mr. Dudhoria's amendment and I am sure on further reflection he will realise that to add to his onerous responsibilities as a legislator by incidental and fragmentary scrutiny into the development of the Tata Iron and Steel Company and an endeavour to improve its balance sheets, is a greater and more troublesome task than he bargained for when he was elected to this august Assembly.

As to Mr. Mitra's amendment, my last remark is that the difficulty of constituting from the legislatures those who are to conduct this inquiry is such that he will, I hope, realise the complications of the procedure which he has indicated.

Mr. S. C. Mitra : May I ask only one question ? Who are the experts in this particular Board that the Honourable Member is referring to ? Are not the Members of the Tariff Board generally persons selected from this House and from the I. C. S. ?

The Honourable Sir C. P. Ramaswami Aiyar : I am not referring to this particular Board or to any other Tariff Board. Act III of 1927 says that the Governor General will appoint such persons as he may think fit on this behalf. You may appoint a special body of persons for that purpose. But the only thing that I was concerned to point out was that a body that is so appointed will comprise persons who are entitled to go into commercial and other details of this particular industry and are able to speak with expert authority on it. That is the only aspect that I am here concerned to emphasize. I do not for a moment say that this particular Tariff Board will be the Board which will inquire into it. As a matter of fact the term of the office of most Members of the Tariff Board will very shortly terminate—the dates I am not sure of—but however this may be, we are now thinking of an inquiry which will take place sometime in 1933-34. I

WORKS.

submit the proper thing is to make it perfectly clear that the Government's policy is to appoint a really expert tribunal so that on the basis of the labours of that tribunal and its finding and verdict this House as the ultimate judge of the protection, the equity and the mode of protection which is to be given, will decide as to the best policy to be pursued in the circumstances. Having said that, I think, I have dealt with all the amendments and I trust that with the assurances I have given, with the materials I have placed before the House, it will be found that it is not necessary to push this matter to a division. (Cheers.)

Mr. Amar Nath Dutt : I appreciate the very sympathetic spirit in which the Honourable the Leader of the House has accepted almost all the items of my Resolution (hear, hear), and in those circumstances, I will not be justified in pressing the Resolution to a division. At the same time I wish to reply to some of the remarks of some Honourable Members of this House lest they should think that their remarks go unchallenged. While appreciating the kind sympathies of my Honourable friend, Mr. Sarma, I must join issue with him when he made insinuations about the genesis of this Resolution, he will pardon me if I also give the genesis of his speech here which was arrived at probably at the bridge-table where Mr. Mohindra, of Mohindra-Hayman punch fame and my Honourable friend, Mr. Sarma, were sitting at the same bridge-table till late hours at night, and I hope Mr. Sarma will not deny the incident which was narrated by Mr. Mohindra himself to an Honourable Member of this House. I was informed by that Honourable Member about the genesis of my Honourable friend, Mr. Sarma's speech. I have received several telegrams about this subject and I need not mention every one of the telegrams I received. I need only mention three associations. The *British Indian Association*, the oldest political association which was established in the early part of the nineteenth century by such eminent men as Prince Dwarkanath Tagore and others, has supported the Resolution. Then, again, another telegram has come from the *Indian Association* with the foundation of which the memory of one of the greatest men of this country is associated and to whom my Honourable friend, Mr. Sarma, is also to a certain extent grateful, I mean the late Sir Surendra Nath Banerjee.

Mr. R. S. Sarma : With regard to this particular matter of the Indian Association, I may say that I am not only a member of the Indian Association, but also a member of the Committee, and, so far as I know, no Resolution was passed about this and I do not know how my friend got this telegram.

Mr. Amar Nath Dutt : About the remarks of my Honourable friend, Mr. Mody, that the Resolution was superfluous, I beg to inquire, if the Resolution is superfluous, then why so much vehemence in opposing it ?

Mr. H. P. Mody : I said one of the amendments was superfluous.

Mr. Amar Nath Dutt : There is a saying in English that 'conscience makes cowards of us all'. There is nothing in the Resolution which insinuates as my Honourable friend over there would seem to make out. My Honourable friends seem to be afraid that, if an inquiry is held, many dirty things would come out. I do not want to take up the time of the House by giving all the facts once more, but I will say that every one of the items of the Resolution are real charges. I only want an inquiry and I am glad the Honourable the Leader of the House admits that every one

[Mr. Amar Nath Dutt.]

of the items in the Resolution will be gone into. Then, Sir, coming to my friend, Mr. Anklesaria, no doubt he has crossed the seas to learn companies law and other things and I have never crossed the seas. But I know that the Industrial Commission recommended that concerns which get Government aid may have a Director nominated by Government on its Board. Therefore, my suggestion does not at all militate against the provisions of the Companies Act with which my Honourable friend may be more familiar. Then, of course, as regards the remarks of my friend, Mr. Das, I excuse him for his fling against the Bengalis, for they say, we taught them language and they know how to curse.

Mr. B. Das : I protest against this.

Mr. Amar Nath Dutt : I am not one of those who want to flatter anybody, and there may be some reason for certain gentlemen here to praise the present Tariff Board. What is the reason one can easily see, because the next inquiry is in their hands. Any hard thing said about the present Tariff Board may go against their interests. That was the reason why even my Honourable friend, Mr. Joshi, was not exempt from it, not to speak of Mr. Mody. These are all disinterested people ! As I have already said, I have ample materials in my possession, but I will not trouble this House with these things at the present moment. I want to reserve them for another time when probably they will have to come here again for protection for corrugated sheets and then this House will hear more of these charges. With these words, I beg leave to withdraw the Resolution.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is that leave be granted to Mr. Amar Nath Dutt to withdraw his Resolution.

(Some Honourable Members objected to the leave being given.)

Leave having been refused, the Chair will have first to put the amendments in their proper order.

Mr. K. C. Neogy : (Dacca Division : Non-Muhammadan Rural) : On a point of order, Sir. The motion that you, Sir, put was whether the Honourable Member had the leave of the House to withdraw his Resolution. I think the voting should first take place on that and not on the amendments or the Resolution itself.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : It is a well recognised parliamentary practice that if there is even a very small number of Members who oppose the withdrawal of a Resolution after it has been discussed then leave cannot be granted for its withdrawal.

Mr. K. C. Neogy : At any rate that has not been the practice in this House.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question will arise again when the Resolution will be put to the vote. I will first put the amendment of Mr. Nabakumar Sing Dudhoria :

“ That in clause (1), for the word ‘ Government ’ the words ‘ the Central Legislature ’ be substituted.”

The motion was negatived.

STATUTORY INQUIRY INTO THE WORKING OF THE TATA IRON AND STEEL 765
WORKS.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The next is the amendment of Mr. Mitra.

Mr. S. C. Mitra : I beg leave to withdraw my amendment.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is that leave be granted to Mr. Mitra to withdraw his amendment.

The motion was negatived, and leave was not granted.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

4 P.M.

“ That for the original Resolution the following be substituted :

‘ This Assembly recommends to the Governor General in Council that, when the statutory enquiry laid down in section 3 of Act III of 1927, regarding the Tata Iron and Steel Works is held, the Committee to be appointed for the said enquiry may be so constituted as to consist at least of three elected Members of this House, one elected Member of the Council of State, one representative from the labour organisations in Tatanagar and one representative of the Tata Subsidiary Concerns, and that the terms of reference to the said Committee should include amongst others the question as to how far the main object of giving protection to this basic industry since 1924 has succeeded in the fostering and development of the subsidiary industries and also how far the Tata Iron and Steel Works have attained stability by the said protection ’.”

The motion was negatived.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That for the original Resolution the following be substituted :

‘ This Assembly recommends to the Governor General in Council that the Committee when appointed for the purpose of statutory enquiry as laid down in section 3 of Act III of 1927, may be asked to enquire as to how far the Tata Iron and Steel Works have achieved the object of the protection granted to it since 1924 and also to enquire how far they have succeeded to help the subsidiary Indian industries and cottage industries, the development of which depended solely on the better working and management of the parent industry ’.”

The motion was negatived.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That the following Resolution be adopted :

‘ This Assembly recommends to the Governor General in Council that at the forthcoming Statutory Enquiry under section 3 of Act III of 1927, the following be included among the points to be investigated and reported upon by the Tariff Board in regard to the working of the Tata Iron and Steel Works, Jamshedpur :

- (i) what proportion do the total assets of the Company bear to the aggregate value of the protection so far enjoyed by it by way of bounty and tariff, together with the value of the various concessions, such as reduced railway freight for raw materials and manufactured products, enjoyed by the Company ever since it started its operations ; and whether in view of the large contributions thus made by the State and the people towards the maintenance of this firm, some amount of supervision and control should not be assumed by Government over its management in the event of the policy of protection being further continued ;

[Mr. President.]

- (ii) whether and how far the process of Indianisation is being carried on, and how far this policy has succeeded in finding employment for the best talents in the country, and whether there has been any favouritism at the cost of efficiency ;
- (iii) what relations have subsisted between the firm and the labour employed by it ;
- (iv) whether and to what extent the purchase of raw materials and machinery is being conducted on economic lines ;
- (v) whether and to what extent the sale of finished materials, semi-finished materials and scrap and rejected materials are being carried on in the best interests of the Company and consumers in India ;
- (vi) whether the sale policy of pig iron is conducive to the best interests of the country ; and
- (vii) whether the management has rendered every possible assistance to subsidiary and dependent industries, directly and indirectly, so as to help in the growth and expansion of such industries, and particularly to eliminate the necessity of protection to those subsidiary concerns that may now be enjoying it.'''

The motion was negatived.

RESOLUTION *RE* CONSTITUTION OF A BOARD FOR THE PURCHASE OF COAL AND LOOKING AFTER THE STATE RAILWAY COLLIERIES.

Mr. A. H. Ghuznavi (*Dacca cum Mymensingh : Muhammadan Rural*) : Sir, I beg to move the Resolution standing in my name which runs as follows :

“ This Assembly recommends to the Governor General in Council that a permanent Board be constituted under the Railway Board, with the Chief Commissioner of Railways or a Member of the Railway Board as Chairman, and the Chief Inspector of Mines in India, a Loco. Superintendent of each State Railway in rotation and a gentleman with experience of the Commercial side of Colliery work but not actually in the coal trade, as Members of the Board, for the purpose of making all purchases of coal which is now being done by the Railway Board and for looking after the State Railway Collieries and running them on commercial lines.”

Sir, Honourable Members are aware that in the last Delhi Session of this Assembly, I raised a debate on Government's coal purchase policy and their administration of the Railway collieries which are under the control of Mr. Whitworth. Mr. Whitworth in Bengal is known as the Nawab of the coal kingdom. He controls the management of the collieries with his gallant lieutenant, Surendra Nath Banerjee. Sir, I showed that this policy involves a loss of 50 lakhs a year to the taxpayers, firstly for buying coal at higher rates in preference to lower ones without any justification whatsoever, and secondly for extravagant working of the collieries in violation of the accepted principle of Government calling for public tenders, with the result that the cost of raising was two rupees higher than the price at which they could purchase coal in the open market. Sir, I must apologise to the Honourable Members for raising the same debate by way of a Resolution again in this House. I find that although I was gagged and stifled by Government I eventually succeeded in demonstrating to this House that through patronage, undue favouritism and corruption the public exchequer was depleted to the extent of 50 lakhs of rupees per year which went, as I said, to the pockets of Messrs. Whitworth and

Company. In spite of the disclosures I had made, in spite of the irrefutable facts that I had placed before this Honourable House, I find, Sir, that all that I had said had been thrown to the winds and that I had cried in wilderness. Sir, I charge the Railway Board with utter lack of supervision inasmuch as they have winked over the favouritism and corruption that prevail in the Chief Mining Engineer's office. One could reasonably expect that Government would not shut their eyes to these indisputable facts, that they would at any rate set up an investigation to satisfy themselves if these serious allegations had any foundation to stand on. But what do we find? Government have swallowed these allegations without, in the least, being perturbed, and things are going on as merrily as ever. Deaf ears sometimes respond when you make a loud sound and I have, therefore, resolved to make that loud sound to make the deaf hear. Sir, after my return to Calcutta from Delhi last April I set about investigating into these matters very carefully, and would the House be surprised to hear that I have been receiving letters after letters making startling disclosures. But not a single soul in the coal trade ventures to come forward, for according to a responsible correspondent of mine, Mr. Whitworth wields more power than the Viceroy of India, and if he can know his name he will kill his trade outright.

Sir, it is Mr. Whitworth who rules the destiny of colliery owners. In giving protection to their officers, as Government invariably do to maintain prestige, the Honourable the late Railway Member took all the responsibility on the shoulders of the Board for the purchase of coal, but one would fain ask, what do they know of coal? I maintain, Sir, that Mr. Whitworth has the predominant voice, nay, he has the last say in the matter, and the Board only act as "His Master's Voice". Sir, with your permission, I shall read what the *Capital* said in their issue of the 21st April, 1932, in this connection. It said :

"The Honourable Member for Commerce in replying to Mr. Ghuznavi as to the charge he made against the Chief Mining Engineer regarding favouritism, stated that the Chief Mining Engineer only recommended, but that tenders were carefully scrutinised by himself and the Financial Commissioner."

"This was a weak reply and helped Mr. Ghuznavi's case, for neither the Honourable Member nor the Financial Commissioner know the heating value of any of the coals that are offered, or their commercial value, for not being experts they have no further say in the matter than to accept what the Chief Mining Engineer recommends."

I would also quote here from a letter I have received from one in the coal trade. It says :

"To say that the tenders are passed by the Railway Board is ridiculous. They are all cut and dried by Whitworth and placed before the Board who pass them without asking any question. Who is there on the Board that understands coal? Whitworth wields more power in coal than the Viceroy does in India. He can make or break a colliery owner and there is no one whom the aggrieved party could appeal to."

It will be a revelation to the House that it is Whitworth's lieutenant, S. N. Banerjea, who classifies and tabulates the tenders just as he chooses, that the remarks against each coal tender is typed by the shorthand typist who is his relative and that these remarks "satisfactory", "unsatisfactory", "indifferent in quality" are made by Banerjea according to his interest in each tender. With your permission, Sir, I shall quote a few passages from one of the letters referred to above to give some idea

[Mr. A. H. Ghuznavi.]

to the Honourable Members of the doings of the Chief Mining Engineer. It says :

" I dare not disclose my name, being interested in coal myself, nor can any one else dare to say a word against the Chief Mining Engineer, Railway Board, and his department, if he ever hopes to get an order from him. Tenders were not called and contracts were and are being given for the raising of coal at very high rates to insignificant men of no standing at all. It was a case of who could pay the biggest commission in getting the contract. He gave some biggest coal raising contracts to a Kutchie who was an ordinary mason by the name of Mepa and to others who all still keep filling his pockets. Mr. Harrison's peon by the name of Ram Bilas Singh was made a coal raising contractor. He is still working as a contractor and is worth lakhs of rupees. It strikes one as very strange why 99 per cent. of the contractors are Guzeratis ; the reason is plain : because they can give the biggest..... (I won't say the word)."

" When tenders for the supply of coal are called, these State Railway coal raising contractors who own collieries always are successful in spite of their rates being higher than others, *vide* results of the tenders."

" Whitworth's Assistant Banerjee, has made tons of money out of orders for coal for P. W. D. and others and by getting coals graded by the Grading Board higher than they should be."

" Remember once you burst the bubble all who are in favour of Whitworth will turn against him. It is only the fear of ruining their business that is in the way of their coming forward and for this they cannot be blamed."

Sir, malpractices can only be stopped if tenders are received by the Board direct, tabulated in their office and opened publicly. And inflated tenders, offering quantities beyond capacity with a view to receive orders for the maximum quantity they can deliver, *e.g.*, offering 50,000 tons when they can, under ordinary circumstances, deliver only 10,000 tons with this object in view that even if they are favoured with one-fifth of their offer, it will be up to the maximum quantity they are capable of raising and delivering, *viz.*, 10,000 tons. To put a stop to all this I suggest a 10 per cent. deposit with the tender. Sir, the House may not be aware that formerly 12 per cent. deposit was all along the condition of the tender. I only ask for 10 per cent. while formerly it was 12 per cent.

I dealt exhaustively in the last debate on the coal purchase question. Honourable Members, if they wish to interest themselves in this matter, will only have to read the debate that I had raised, and I shall have great pleasure in furnishing them with a reprint of that debate for easy reference should they desire it. I would only draw the Honourable Members' notice to the fact that the Railways have bought this year 16 lakhs of tons of coal, and I submit that but for the favouritism and corruption, they could have bought this 16 lakhs tons at least one rupee cheaper per ton than they have done, if not 1-4 to 1-8 per ton ; and this alone would have saved Government 16 lakhs of rupees on the purchase side. All figures were carefully worked out in my last debate and the figures stated therein were collected from the official records. My misfortune is that when I last addressed this House, I was addressing to the Railway Member who was vacating his office in about a fortnight's time, and today also I am addressing my friend, the Honourable the Railway Member, who will be vacating his office in a fortnight's time. Then also the late Financial Commissioner of Railways, the Honourable Sir Alan Parsons, left the Railway Board and his successor, Mr. Rau, I am sure, not being fully acquainted with the history of these transactions, must have been placed in a most

**CONSTITUTION OF A BOARD FOR THE PURCHASE OF COAL AND LOOKING 769
AFTER THE STATE RAILWAY COLLIERIES.**

unenviable position. Sir, in making my observations I mean no reflection on Mr. Rau—I want to make that perfectly plain—for I sincerely believe that he is perfectly innocent with regard to the happenings in the coal Kingdom.

Sir, the Chief Mining Engineer's department was created in the year 1911 to stop the alleged bribery and corruption prevalent at the time when the coal was used to be purchased by Loco. Superintendents. Instead of stopping the malpractices the present system has made Mr. Whitworth the monarch of all he surveys. Honourable Members may not be aware that originally the tenders used to be opened and tabulated in Delhi in the Railway Board by the Railway Board's Secretary, but it was Whitworth who contrived to have this work transferred to his office at Calcutta for obvious reasons.

The suggestion for the constitution of a Board has not emanated from me for the first time. In the *Commerce* of the 3rd December, 1927, page 1109, it advocated the removal of the Mining Engineer's office and subsequently suggested about the appointment of a Board to purchase coal of which no notice was taken by Government.

I shall not take more time of the House on this question of Coal purchase. I shall close it by showing from record how Whitworth interests himself in coal purchase even outside India through his proxy, Amritalal Ojha. The Rangoon Corporation called for tenders and Ojha put in his tender. He gave analysis of coal he tendered for, and his estimate was then higher than the lowest by 14,000. But he sent sample of different coal which reduced his estimate by over 20,000; and when he was caught, Whitworth came to his rescue by giving him an unsolicited certificate as President of the Grading Board that this quality was ideal quality. Of course Ojha's tender was rejected and a member was inclined to put Ojha's firm on the black list. With your permission, Sir, I shall read a few passages from the proceedings of the Rangoon Corporation meeting held on the 5th April, 1932.

The Honourable Sir C. P. Ramaswami Aiyar (Member for Commerce and Railways): Will my Honourable friend say what document he is reading from? I did not hear him.

Mr. A. H. Ghuznavi: It is minutes of the proceedings of a meeting of the Rangoon Corporation held on Tuesday, the 5th April, 1932. U Tun Aung, who was a supporter of Mr. Ojha said:

"Among the papers that had been circulated that day was a letter from the President of the Indian Coal Grading Board, Mr. Whitworth. Mr. Whitworth described Victoria coal as a high volatile, low volatile series, and said that a mixture of Deshergur coal and Victoria coal would be ideal."

Sir, with your permission, I shall here read the letter of Mr. Whitworth: I wrote to the Chief Engineer, Rangoon Corporation, to send me a copy of that letter and he, in sending that letter to me, writes as follows: I shall only read the last paragraph which says:

"You will note that it is not stated for what purpose the mixture of Deshergur and Victoria coal would be ideal."

This is Whitworth's letter written for the firm of Amritalal Ojha and Company, Limited. It says:

[Mr. A. H. Ghuznavi.]

" True Copy.

DEAR QUAMBY,

Regarding Victoria : Although it is classed amongst the Barrakur Low Volatile coals, it is what I should describe as a high volatile, low volatile series. The volatile run to 20.90 per cent. as against many ' Deshergur and Puniatis ' which are just over 30.00 per cent. A mixture of Deshergur, Victoria to my mind would be ideal.

Yours sincerely,

(Sd.) C. S. WHITWORTH."

Here he goes out of his way to support this man Ojha, and I shall presently show why he supports him :

" Dr. Murray said that since his name had been mentioned in the matter, he would have to say something. He thought it was very refreshing to note the absolute honesty with which his friend, Dr. Dugal, had pointed out the fault of the contractor whose case he had placed before the Corporation."

" From the note of the Chief Engineer it would be seen that the sample submitted by Messrs. Amritlal Ojha and Company was a mixture of two coals, 75 per cent. Deshergur coal and 25 per cent. Victoria coal. Victoria coal was listed as low volatile coal. The result of this was that their tender which was about Rs. 15,000 higher than the other tenders was about Rs. 5,000 lower when it came to economic value."

" Mr. Rafi said that the tenderer undertook to supply Deshergur coal but had submitted a sample of entirely different coal. They had asked for peas, but had been supplied with beans. U. Tun Aung said that after the tenders had been opened, the tenderers were called upon to submit samples of the coal tendered. Messrs. Amritlal Ojha and Co., submitted their tender and an analysis for high volatile coal only. When Messrs. Amritlal Ojha & Co., found that their tender was not the lowest, they submitted a mixture of coal as a sample when called upon to do so. At that time they did not state that they had sent in a mixture. Only when the actual tests were made and the engineers became suspicious, that Mr. Mann took steps to find out what coal had been sent as a sample, and had been informed that a mixture of Deshergur and Victoria coals had been submitted ". " He had half a mind to propose that this firm be placed on the black list. This firm did not stop at that. When it was found that the sample was not in accordance with their tender, they circulated a letter which placed a sort of conundrum before them. They were asked to believe that Victoria coal was a coal which was described as a high volatile, low volatile series. He thought they were being treated like little school children. Messrs. Amritlal Ojha were obliged to send in a particular kind of coal. Instead of sending the best possible sample of that coal they sent in a mixture and made good by way of economic value. He thought that this firm was playing a double trick on them, and a tenderer who had recourse to such a trick was more dangerous than the highest tenderer."

Sir, turning to the working of the Railway collieries Honourable Members will be surprised to hear that ever since their purchase of these collieries,—and I must say there is a great history behind these purchases,—I gave a short notice question, and they refused to answer. I received this letter from Mr. Gupta :

" With reference to your letter....."

The Honourable Sir C. P. Ramaswami Aiyar : May I ask the Honourable Member to kindly speak up a little ? I cannot hear him.

Mr. A. H. Ghuznavi : Sir, I gave a short notice question, and it was returned to me saying that the Honourable Member was not prepared to answer it.....

The Honourable Sir C. P. Ramaswami Aiyar : The reason why it was returned was that the Honourable Member went into so much detail that I could not answer the short notice question.

**CONSTITUTION OF A BOARD FOR THE PURCHASE OF COAL AND LOOKING 771
AFTER THE STATE RAILWAY COLLIERIES.**

Mr. A. H. Ghuznavi : Sir, I only wanted the number of collieries that were purchased. Surely they have got all those figures in their office.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member cannot raise that issue now. It is entirely at the discretion of the Honourable Member in charge whether to accept a short notice question or not to accept it. That is a special privilege conceded to Honourable Members of Government under the Rules and Standing Orders. It would be very desirable if the Honourable Member proceeded with the remarks which he wishes to make now that he has had an opportunity, irrespective of the short notice question, to have his full say.

Mr. A. H. Ghuznavi : I bow to your ruling, Sir.

Ever since their purchase of these collieries, they never called for any tender for raising contracts. In these long, long years, the raising contracts have been given to Messrs. Amritlal Ojha and Company,—Mr. Whitworth's favourite No. 1,—and some insignificant contractors, one of whom was Mr. Harrison's chaprasi, at rates varying from Rs. 1-12-0 to Rs. 2 per ton. What does my Honourable friend, Mr. S. C. Sen, pay to his raising contractor, may I ask ?

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : What does your patron pay for his raising contracts ?

Mr. A. H. Ghuznavi : The best English firms, that I know of, pay only Rs. 1-2-0 per ton.

Mr. S. C. Sen : Not a single company pays Rs. 1-2-0. They pay much more than that.

Mr. A. H. Ghuznavi : The best of the European firms do not pay more than Rs. 1-2-0 per ton, but Nawab Whitworth must pay to his favourite Begums Rs. 2 per ton. Sir, would the House be surprised that Government did call for tenders recently for raising of Joint Argada Collieries, and, I am glad, my exposure stirred them to this action. And what did they discover ? They were paying Rs. 1-6-0 per ton, while they got offers for Re. 0-13-0 per ton. Thanks to Mr. Rau for taking this step. Is there any room for doubt then that public money is being robbed ? Call for public tender to-day and you will get respectable raising contractors tendering for between Re. 0-13-0 and Re. 0-14-0 per ton. Is it, therefore, at all strange that the so-called Mining Federation which Ojha and Company dominate are raising such a hue and cry over this exposure of their Ma'Bap, Nawab Whitworth and his Wazir Surendra Nath Banerjea. Sir, about this wonderful Mining Federation, I have received several telegrams, and one of which I will, with your permission, read now. It runs :

“ Actual number of colliery proprietor members of Indian Mining Federation is about fifty some of these persons have more than one colliery consequently membership according to number of collieries is below one hundred moreover there are some petty coal merchants as members all such members combined present about five per cent of whole output according to Blue Book published by Inspector of Mines number of collieries is 795 out of which Federation may claim to represent 100 or so only, whereas 700 colliery owners are not represented by it consequently you are representing seven times more than what is represented by Federation * * * ”

The Honourable Sir C. P. Ramaswami Aiyar : Who sends this telegram ?

Mr. A. H. Ghuznavi : Chandanmull Indrakumar. Sir, of the 13 members of the Executive Committee of this Federation, as many as seven are in the closest ties of friendship with and in obligation to Mr. Whitworth ; and is it any wonder that the Mining Federation is up in arms against me for this earnest effort of mine to introduce reforms in the Chief Mining Engineer's Office and purge that office of its impurities. Sir, Government dare not bluff this House by saying that a saving of 16 lakhs of rupees could not have been effected if Mr. Whitworth had called for tenders for the raising contracts. This alone is sufficient to excite a reasonable suspicion as to why the raising contract is given to Ojha and Co. The profit would be four annas on a raising contract of fourteen annas per ton. What would be the profit in a raising contract of Rs. 1-12-0 to Rs. 2 per ton ? It must be near about a rupee a ton. This Rs. 16 lakhs of public money goes to Ojha and Co. every year. Thanks to the fifty-fifty arrangement. (*An Honourable Member :* "What is that arrangement ?").

Will the Honourable Members be surprised that Mr. Whitworth got about Rs. 40,000 last year over and above his monthly pay of Rs. 3,500, by way of commission for purchasing coal for non-State Railways being six pies per ton ? Non-State Railways bought 12 lakhs of tons last year.

The Honourable Sir C. P. Ramaswami Aiyar : Who gets Rs. 40,000 ?

Mr. A. H. Ghuznavi : Mr. Whitworth gets six pies per ton for purchasing coal for non-State Railways and other public departments.

Mr. P. R. Rau (Financial Commissioner, Railways) : May I correct the Honourable Member's statement ? The commission of six pies per ton is credited to the State Railway Revenues.

Mr. A. H. Ghuznavi : I stand corrected if that is so. I have shown, Sir, that a saving of at least Rs. 16 lakhs could be made on the purchase side and a saving of another Rs. 16 lakhs on the raising contracts. This brings the loss of public money to the round figure of Rs. 32 lakhs. Then comes the top-heavy administration of the collieries. Government in showing the raising cost do not show the interest on the capital, nor is the depreciation accounted for. Royalty on the weigh-bridge is also not accounted for ; it is debited to the "Charges general". If you take all these into account, it would add another loss of Rs. 16 lakhs to the public exchequer. The total loss incurred on these three counts comes to Rs. 48 lakhs a year. And what about the good years, when 25 to 30 lakhs of tons of coal were purchased and similar quantity raised ? The loss was greater still in those years. Is it, therefore, anything to be surprised at when the *Business* points out that a loss of Rupees nine crores has been sustained by the public exchequer during this regime of Mr. Whitworth ?

With your permission, I shall read a few extracts from the letters. This is the file of the original letters and I am reading a few extracts only which alone will prove my contentions. The first letter says :
"Every one interested....."

Mr. P. R. Rau : May I ask the Honourable Member who is the writer of that letter ?

Mr. A. H. Ghuznavi : I will not disclose his name, but if you undertake to make an investigation, I will certainly give you all these letters.

The Honourable Sir C. P. Ramaswami Aiyar : May I rise to a point of order that letters from an undisclosed person cannot be referred to on the floor of the House ?

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Was not my Honourable friend the other day referring to a letter and when he was asked the name of the writer he would not mention his name ?

The Honourable Sir C. P. Ramaswami Aiyar : My Honourable friend is completely inaccurate. What I said was that a certain person gave me information. I did not refer to a letter, and my Honourable friend can credit me with so much knowledge of the procedure of legislative bodies.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : The Honourable Member is in a position to give the name to a few of us.

The Honourable Sir C. P. Ramaswami Aiyar : Apparently, more than one Member knows the name of the writer.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member can either disclose the name on the authority of which he relies, or he can take the responsibility himself and say that he has received from a friend certain information and put it in his own words. He cannot read anonymous letters—they are anonymous in view of the fact that the Honourable Member is not willing to disclose the name of the writers.

Mr. A. H. Ghuznavi : Well, Sir, I have received letters, and if I disclose the names, I know that from to-morrow.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : There are, as I pointed out, two alternatives before the Honourable Member.

Mr. A. H. Ghuznavi : I have received this information and I will put the information exactly in the words that I received it.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Chair would like to draw the Honourable Member's attention to the fact that his time is up.

Mr. A. H. Ghuznavi : With your permission, I would put in these letters.

Sir Hari Singh Gour : You can give them in your reply.

Mr. S. C. Sen : Sir, I had no intention of rising at the stage to answer the various allegations, vague, wild, and wandering allegations, of my Honourable friend, Mr. Ghuznavi. During the course of the half hour which he took in this House, the Honourable Member has not produced a single piece of evidence against Mr. Whitworth or his assistant Mr. Banerjea, to substantiate the vague allegations that he has made against them. The Resolution before the House is for the appointment of a committee for certain purposes. The grounds given are that tenders, when received, are altered by Mr. Whitworth and his assistant, Mr. Banerjea. In this connection, probably, Mr. Ghuznavi being a new man in the trade, not having any practical knowledge of the same, and having been put into directorship of some moribund companies and concerns of H. V. Low and Co., Ltd., has been made to pose here as an expert in coal contracts, in coal purchases and in collieries. He does not know how the tenders are received, how the tenders

[Mr. S. C. Sen.]

are opened, what procedure obtains in the office of the Chief Mining Engineer, nor does he know personally how these tenders are dealt with in that office....

Mr. A. H. Ghuznavi : My Honourable friend is one of the favourite begums of Mr. Whitworth.

Mr. S. C. Sen : I am sorry that you have not become one, although you attempted to be one of the begums. I am very sorry for your disappointment, Mr. Ghuznavi, although you have become the begum of many other persons....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I trust Honourable Members will be careful in the choice of language they use when addressing the House.

Mr. S. C. Sen : It was not begun by me, Sir.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I did not refer to the Honourable Member alone ; I made a general observation for all.

Mr. S. C. Sen : Had Mr. Ghuznavi ever attended the Chief Mining Engineer's office when tenders are opened, he could not have made those wild allegations which he has made here. Tenders are called for for the quantities which the various railways want. They are published in the papers, and tenderers are asked to submit their tenders to the office of the Chief Mining Engineer. A box is kept there, a sealed box, in which the tenders are required to be put in. A day is fixed, publicly announced, when the tenders are to be opened, and persons interested in the tenders and coal trade generally are required to be present there. The tenders are opened in their presence, the seal is broken, tenders are taken out, the seals on those tenders are checked in the presence of the persons present. There are representatives of other interests also present including those of newspapers, namely of *Commerce* and of *Capital*. Each tender is opened and read out. The name of the tenderer, the quantity of coal tendered, the quality or Seam of the coal tendered and the rate of the tender and the price of coal—all these are tabulated by the officers in charge of the department. How can there be any opportunity for any person to change these tenders after they have been opened publicly in the presence of all the persons concerned, I cannot understand. It is because Mr. Ghuznavi does not know the procedure that he has been led to make all these charges. The tenders after tabulation are considered by the office of the Chief Mining Engineer with the help of experts, namely, Loco. or Fuel Superintendents who come from the different railways, who state their requirements and the quality they want. They then put forward another tabulated form signed by these Loco. Superintendents and by the Chief Mining Engineer. So there also there is no opportunity of altering them. After they have been tabulated in the office of the Chief Mining Engineer, they are brought to the office of the Railway Board in Delhi or Simla. What then happens has been told by Sir George Rainy last year during the course of the debate on the budget. That will be found in Volume III, No. 4, dated the 17th March 1932. From the speech of Sir George Rainy it appears that these statements are examined in the office of the Railway Board by the Financial Commissioner and the Stores Member. Then they are put before the whole Board and the Commerce Member. Then

AFTER THE STATE RAILWAY COLLIERIES.

the Commerce Member approves of what quantity is to be taken and from whom. In the words of Sir George Rainy, this control is a real control, not an imaginary control. I do not know what right Mr. Ghuznavi has for not accepting the statement of Sir George Rainy given in this House as regards the procedure. He now wants a Board to be framed consisting of a Member of the Railway Board. At present, the procedure is that two Members of the Railway Board have to go through it and the Commerce Member has also to go through it. Will the Board that Mr. Ghuznavi wants function better than the present system. Then he has mentioned the name of the Chief Inspector of Mines. What does the Chief Inspector of Mines know about the commercial side of the coal trade? He only knows about the technical side of the coal trade. His duty is to see whether the collieries are worked according to the rules, to the safety of the collieries, the safety of the coal miners and to the observance of the rules framed for the purpose of working the mines. He has absolutely no idea of the business of the coal trade. Then Mr. Ghuznavi says that one Loco. Superintendent of Railways will be on the Board in rotation. I do not know whether that will be an improvement over the present system in which all the Loco. Superintendents come to Calcutta and go through the list. Then, Sir, the procedure that is now followed is approved by the whole coal trade, not only by the Indian Mining Federation about which Mr. Ghuznavi has said so much but also by the Indian Mining Association, an association consisting of all the European colliery owners of Bengal and Bihar. In this connection, Sir, I may be permitted to read a statement circulated by the Committee of the Indian Mining Federation to the various Members :

“ Far different is the consideration on which the Committee of the Federation are opposed to the suggestion for the constitution of a Board as the coal purchasing authority of the Government and the abolition of the office of the Chief Mining Engineer to the Railway Board. The suggestion that the purchasing authority should be a Board created *ad hoc* rather than an officer of the Government acting under and responsible to the Railway Board seems to ignore the fundamental facts under which the Government can with advantage to themselves tap the coal market. Nothing is more erroneous than to assume that such purchases can be made without a very close, intimate and day-to-day contact with the market, even though the purchase is made only once a year in respect of each consumer or each group of consumers. What the Committee of the Federation must emphasise is needed is a study of the results of individual coals in boilers, a complete and up-to-date information about the quality and workings of mines as well as a very full knowledge of the coal market by which is meant a thorough knowledge of the standing and conditions of individual firms, their business dealings, their capacity to supply and generally their reliability or otherwise as suppliers.”

I need not read further but I shall read a letter which has been addressed to the Indian Mining Federation by the Secretary of the Indian Mining Association. The remarks which have been made by Mr. Ghuznavi regarding the Indian Mining Federation cannot be made against the Indian Mining Association. The letter runs thus :

“ The Committee of the Indian Mining Association have seen the draft of the circular which you propose to send to the members of the Legislative Assembly and I am directed to inform you that the Committee approve of the contents of the circular.”

Sir, the circular represents the views not only of the Indian Mining Federation but also of the Indian Mining Association. So much, Sir, for the Resolution which says that a new Board should be appointed. As I said before, what would be the function of the new Board? Should they go to Calcutta and purchase coal? If Mr. Ghuznavi has no confidence in

[Mr. S. C. Sen.]

two Members of the Railway Board and the Commerce Member, how can he have confidence in one Member? I do not see that that will improve matters much.

As regards railway collieries, the Resolution says that they should be run on business lines. Here Mr. Ghuznavi's ignorance has been fully exposed. If these collieries are run on business lines, then where would Mr. Ghuznavi or any other member of the coal trade be in Bengal? The railway collieries have been fitted up to raise 50 lakhs of tons of coal every year. They can do that.

Mr. A. H. Ghuznavi : Under the convention they cannot.

Mr. S. C. Sen : It is only out of kindness to the trade that they have restricted their raising to about one-third or one-fourth of the quantity required. They can raise 50 lakhs of tons of coal to-day. The railway requirements are only about 33 lakhs. If the railway collieries are asked to be run on business lines, then all the coal required for the railways could be got from the railway collieries themselves. Sir, my time is up and although I have much to say on the subject, regarding raising contracts and the allegations against Mr. Whitworth and his assistant who, I understand, has nothing whatever to do with the Railway collieries and about the charges against Mr. Harrison, I cannot take up any more time of the House.

(At this stage the Honourable the Home Member was called upon to make a statement.)

STATEMENT *RE* INTENTIONS OF GOVERNMENT WITH REGARD TO MR. GANDHI.

The Honourable Mr. H. G. Haig (Home Member) : Sir, with your permission, I should like to make a brief statement to the House as to the intentions of Government with regard to the treatment of Mr. Gandhi. Mr. Gandhi has made it clear by his correspondence with the Prime Minister that he is proposing to starve himself to death, not as a protest against his detention nor with the object of securing his release, but on a point of principle which is not related to the civil disobedience movement. It has been decided that as soon as Mr. Gandhi actually begins his fast, he should be removed from the jail to a suitable place of private residence, and the only restriction that will be imposed upon him there, as at present contemplated, is that he should be served with an order directing him to remain there. We hope it will prove unnecessary to impose any further restrictions on Mr. Gandhi, but this is a matter that will depend primarily on whether the liberty accorded to him is found to lend itself to the promotion of the civil disobedience movement or any similar agitation directed against the Government or to affect the maintenance of law and order. (Applause.)

The Assembly then adjourned till Eleven of the Clock on Friday, the 16th September, 1932.

LEGISLATIVE ASSEMBLY.

Friday, 16th September, 1932.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

QUESTIONS AND ANSWERS.

INCONVENIENCES TO PASSENGERS ON THE BANKURA DAMODAR RIVER RAILWAY.

287. ***Mr. Bhuput Sing :** Are Government aware of the inconveniences caused to the passengers travelling over the Bankura Damodar River Railway owing to defective rolling stock ? If not, do Government propose to inquire into the matter and remedy the defects over the Railway in question ?

Mr. P. R. Rau : The Managing Agents of the Railway report that all rolling stock in use is in good order and repair.

ABSENCE OF LAVATORIES IN CARRIAGES OF THE BANKURA DAMODAR RIVER RAILWAY.

288. ***Mr. Bhuput Sing :** Is it a fact that no lavatory is provided in most of the carriages of the Bankura Damodar River Railway, and, if so, are Government aware of the inconveniences caused to the passengers due to the absence of lavatories ? If not, do Government propose to inquire into the matter and remove the said grievances ; if not, why not ?

Mr. P. R. Rau : I understand that lavatory accommodation is provided only in carriages reserved for women as required by section 64, sub-section (2), of the Indian Railways Act, 1890. Government recognise that the absence of such accommodation in other carriages may be a source of inconvenience. They have brought the Honourable Member's question to the notice of the Managing Agents of the Railway.

ABSENCE OF LAVATORIES ON PLATFORMS OF THE BANKURA DAMODAR RIVER RAILWAY.

289. ***Mr. Bhuput Sing :** Is it a fact that most of the platforms on the Bankura Damodar River Railway are not provided with lavatories and, if so, are Government aware of the inconveniences caused to the passengers waiting for trains over the said railway ? If not, do Government propose to inquire into the grievances and remove them ? If not, why not ?

Mr. P. R. Rau : The Managing Agents of the Railway report that latrines are provided on the platforms of all permanent stations.

ABSENCE OF LIGHTS IN CARRIAGES OF THE BANKURA DAMODAR RIVER RAILWAY.

290. ***Mr. Bhuput Sing :** Is it a fact that in spite of the provision of oil lamps in the carriages of the Bankura Damodar River Railway they are never lighted and are Government aware that the passengers are inconvenienced owing to pitch darkness prevailing inside the carriage of the trains running in the night ? If so, do Government propose to remove the said grievance ? If not, why not ?

Mr. P. R. Rau : The Managing Agents of the Railway report that carriages on all trains running during hours of darkness either have electric lights or are lighted by oil lamps.

LEAKAGES DURING RAINS IN CARRIAGES OF THE BANKURA DAMODAR RIVER RAILWAY.

291. ***Mr. Bhuput Sing :** Is it a fact that most of the carriages of the Bankura Damodar River Railway leak during the rains and are Government aware that passengers are greatly inconvenienced in shifting from place to place in the carriage to protect themselves and their kits from being drenched with rain water ? If so, do Government propose to remove the said grievances of the passengers ? If not, why not ?

Mr. P. R. Rau : The Managing Agents of the Railway report that the roofs of all carriages on running trains are kept in good order and repair and do not leak ; but third class carriages are provided with *jhimil* shutters only and are not glazed, and in heavy storms a certain amount of water may splash through these shutters.

IRREGULAR RUNNING OF TRAINS ON THE BANKURA DAMODAR RIVER RAILWAY.

292. ***Mr. Bhuput Sing :** Are Government aware that the total length of the Bankura Damodar River Railway line is about 60 miles and that all trains take more than four hours to complete the journey ? If so, is it a fact that the trains are run irregularly without any fixed timings ? If so, why and do Government propose to remedy the said grievance ? If not, why not ?

Mr. P. R. Rau : The reply to the first part of the question is in the affirmative.

As regards the second part, the Managing Agents of the Railway report that the trains are run to their scheduled timings. Detentions, which are rare, are immediately taken up.

Mr. K. C. Neogy : Is this one of the railways which have been hit hard by motor competition and in whose interest we have been asked to legislate ?

Mr. P. R. Rau : I cannot say that definitely, Sir, but it is one of the smaller railways which have not been paying their way for a long time.

DUMPING OF JAPANESE PIECE-GOODS IN BOMBAY.

293. ***Mr. Bhuput Sing :** Is it a fact that the Millowners' Association of Bombay and the Ahmedabad Millowners' Association represented to Government that there is dumping of Japanese piece-goods in Bombay ? Is it also a fact that they have represented that the cost of production of such goods in Japan is lower than the selling price of such articles in India ? If so, have Government ascertained that the facts as stated by the millowners about the cost of production of such goods in Japan are correct ?

The Honourable Sir C. P. Ramaswami Aiyar : Representations alleging dumping of Japanese cotton piece-goods in India were received, but no representation contained any reference to the cost of production of cotton piece-goods in Japan.

Mr. Lalchand Navalrai : Has any action been taken by Government against this dumping ?

The Honourable Sir C. P. Ramaswami Aiyar : The Honourable Member might perhaps know that action has been taken with regard to cotton piece-goods.

Dr. Ziauddin Ahmad : Are Government aware that the millowners in Japan consider that the higher cost of production in Indian mills depends upon their mismanagement ? I can quote this fact from their own speeches.

The Honourable Sir C. P. Ramaswami Aiyar : The Honourable Member apparently informs the House that people in Japan consider that people in Bombay are mismanaging their affairs ?

Dr. Ziauddin Ahmad : Yes.

The Honourable Sir C. P. Ramaswami Aiyar : The matter is no doubt being considered by the proper authorities.

Dr. Ziauddin Ahmad : It will mean the addition of duty. It really means an increase in prices and that comes from the consumers. Further, it means that the consumers have to pay for the mismanagement of the millowners in Bombay and Ahmedabad.

The Honourable Sir C. P. Ramaswami Aiyar : The valuable remarks of the Honourable Member and the idea underlying them have been already considered. Government came to the conclusion that in order to give real protection to a protected industry, which cannot otherwise stand on its own legs in view of the conditions prevailing with regard to the import of Japanese goods, certain measures became necessary. The question of the consumers' interests was also considered.

Dr. Ziauddin Ahmed : But have they also drawn attention of the millowners in India to the fact that they should reduce the cost of the production and manage their business a little better ?

The Honourable Sir C. P. Ramaswami Aiyar : About the latter part of the question, no suggestions have been made by Government regarding the procedure of the Bombay Cotton Mills and their organisation and management. With regard to the former portion of the

Honourable Member's question, it was alleged that Japanese goods were imported into Bombay at rates lower than the cost of production of Bombay piece-goods in Bombay.

Dr. Ziauddin Ahmad : Is the Honourable Member aware that the cost of production of one *dhoti* in Japan is only eight annas and why cannot they reduce it to some comparable figure ?

The Honourable Sir C. P. Ramaswami Aiyar : I take it that when the bigger inquiry, which is now going on, investigates this matter, the Honourable Member and those having the same views as the Honourable Member will place their opinions before the Tariff Board for their very careful consideration.

TRANSFER OF POLITICAL PRISONERS TO THE ANDAMANS.

294. ***Mr. Bhuput Sing :** (a) Will Government be pleased to state whether they had any correspondence between themselves and the Secretary of State for India on the subject of the transfer of political prisoners to the Andamans ? If so, do Government propose to place the correspondence on the table ? If not, why not ?

(b) Will Government be pleased to state what class of terrorist prisoners will be transported to the Andamans ?

(c) Will Government be pleased to state whether these terrorists will be transported to the Andamans for definite periods or for indefinite periods ?

(d) Will Government be pleased to state what kind of diet and treatment such prisoners will get in the Andamans and what rate of daily allowance will be fixed for them during their stay there ?

(e) Will Government be pleased to state whether they have or had any proposal of sending the Congress leaders imprisoned for civil disobedience to the Andamans ?

The Honourable Mr. H. G. Haig : (a) The Government of India have had correspondence with the Secretary of State on the subject of removing to the Andamans persons convicted of offences in connection with terrorist outrages. They do not propose to place the correspondence on the table.

(b) Persons convicted of offences described in the answer to part (a).

(c) The prisoners are serving sentences of definite duration. They will serve those sentences in the Andamans for such period as the public interest may demand.

(d) They will receive the diet and treatment admissible to the class in which they were placed in Bengal. I would repeat that the persons to be sent to the Andamans are convicted prisoners who will serve their sentences as though they were in Indian jails. Daily allowances are not admissible to such prisoners.

(e) No.

Mr. Lalchand Navalrai : Will the Honourable Member please give reasons why the correspondence is not being laid on the table ?

The Honourable Mr. H. G. Haig : Because, Sir, it is confidential.

Sardar Sant Singh : May I know what is the period fixed by the Government for a person who has been transported for life ?

The Honourable Mr. H. G. Haig : No definite period, I think, is fixed, Sir. But after a certain period, their cases are reviewed.

RESENTMENT ON CHANGE OF PROCEDURE IN INTRODUCING CONSTITUTIONAL REFORMS.

295. ***Mr. Bhuput Sing :** Will Government be pleased to state whether they are aware of the strong resentment caused in India by the recent statement of the Secretary of State for India in the House of Commons on the change of procedure in introducing constitutional reforms in this country ? If so, have they communicated the same to the Secretary of State for India ?

The Honourable Sir C. P. Ramaswami Aiyar : Government are aware of the views expressed in India on the subject. I would invite the Honourable Member's attention to the Secretary of State's speech in the House of Commons on the 13th July, 1932, and to the speech delivered to this House by His Excellency the Governor General on the 5th September, 1932.

WOMEN ARRESTED AND IMPRISONED UNDER THE ORDINANCES OR IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT.

296. ***Mr. Goswami M. R. Puri :** Will Government be pleased to state how many women have been (a) arrested, and (b) imprisoned throughout India during the past three months either in connection with the civil disobedience movement or for alleged offences under any of the Ordinances ?

The Honourable Mr. H. G. Haig : I have no information as to arrests. The number of women convicted, though not necessarily sentenced to imprisonment in connection with the civil disobedience movement from the 1st May to the 31st July, 1932, was 506.

PROMOTION OF TELEGRAPHISTS.

297. ***Mr. Goswami M. R. Puri :** (a) With reference to unstarred question No. 291 answered on 29th March, 1932, regarding promotion of telegraphists, have Government arrived at any final decision ?

(b) If so, will Government be pleased to state what decision has been arrived at in this matter ?

Mr. T. Ryan : (a) Yes.

(b) A copy of the amended rules is placed on the table.

Manual of Appointments and Allowances.

Chapter X, page 101, paragraphs 99—100 :

For the existing paragraphs substitute the following :

99. (A) The Head of a Circle may select telegraphists to draw the following special pay which has been sanctioned by the Government of India :

- (1) A special pay of Rs. 10 a month for charge of a telegraph office in which the sanctioned staff of operatives, non-operatives and clerks is less than five (excluding the telegraphist in charge).
- (2) A special pay of Rs. 20 a month for performing the duties of a Supervisor of desk work, the enquiry office, complaints branch, delivery office, public counter, paid calls and refund work and press traffic.
- (3) A special pay of Rs. 20 a month for holding charge of a telegraph office in which the sanctioned staff of operatives, non-operatives and clerks ranges from five to nine, and for performing the duties of Instructor in charge of training classes, testing telegraphist. Baudot Supervisor, Repeater Supervisor and Traffic Supervisor.

(B) In selecting staff to fill the abovementioned appointments, other than the appointments of Baudot Supervisors, the order of preference should be as follows :

- (1) telegraphists who have passed one of the examinations referred to in paragraphs 315, 324, 326 and 327 of the Posts and Telegraphs Manual, Volume IV, completed 15 years' service and passed the efficiency bar ;
- (2) telegraphists who have passed one of the examinations referred to in (1) above ;
- (3) telegraphists who have completed 15 years' service and passed the efficiency bar.

(C) In respect of the appointments of Baudot Supervisors the order of preference should be :

- (1) telegraphists who have passed the examination referred to in paragraph 324 *ibid* ;
- (2) telegraphists who have passed the examination referred to in paragraph 315 *ibid*.

In each of the above categories seniority will count from the date of passing the examination.

100. In short vacancies or when no Telegraphist with the necessary qualifications as detailed in rule 99 is available, a Telegraphist who has shown marked practical ability to perform the duties of an allowanced post may be selected by the Head of a Circle to draw the special pay attached to that post.

**RECOMMENDATIONS OF THE POSTS AND TELEGRAPHS RETRENCHMENT
SUB-COMMITTEE.**

298. ***Mr. Goswami M. R. Puri** : (a) With reference to unstarred question No. 292 of Pandit Satyendranath Sen answered on 29th March, 1932, will Government be pleased to state whether the recommendations of the Post and Telegraphs Retrenchment Committee as laid down in paragraphs 202 (Chapter 10) and 164 sub-paragraph B (Chapter VIII) of their *interim* report have been finally considered ?

(b) If so, to what extent ? If not, why not ?

The Honourable Sir Frank Noyce : (a) and (b). The suggestions in the paragraphs in question are receiving attention and orders will be issued in due course : in the meantime Government are adopting in practice the policy advocated in paragraph 202 of the Sub-Committee's report.

DISCHARGE OF EMPLOYEES OF THE GREAT INDIAN PENINSULA RAILWAY.

299. ***Mr. Goswami M. R. Puri** : (a) What is the total number of employees who have been discharged in the Great Indian Peninsula Railway since the last general strike ?

(b) What is the decision of Government about their re-employment ?

Mr. P. R. Rau : (a) 8,739 employees were discharged on the Great Indian Peninsula Railway as a result of the economy campaign from April, 1930, to July, 1931. Fourteen employees have been discharged in the recent retrenchment.

(b) All, except 29 who were discharged on grounds of inefficiency, are borne on a waiting list and will be preferred to others in filling any suitable vacancies which may occur in future on the railway.

EXPORT OF GOLD FROM INDIA.

300. ***Mr. Goswami M. R. Puri** : Will Government be pleased to state what quantity of gold (in weight) has been exported from India during the current year till August 31, 1932 ?

The Honourable Sir Alan Parsons : 2,490,753 fine ounces from the 1st April to 31st July, 1932. The complete figures for August, 1932, are yet in my possession.

EARNINGS FROM ENHANCED INCOME-TAX FROM GOVERNMENT SERVANTS.

301. ***Mr. Goswami M. R. Puri** : Will Government be pleased to state what will be the total earnings through the enhanced income-tax from the salaries of all Government servants during the current year ?

The Honourable Sir Alan Parsons : I am afraid that it is impossible to give an estimate, but the additional income-tax receipt will certainly not be substantial.

NEW CONSTITUTION FOR INDIA.

302. ***Mr. Goswami M. R. Puri** : With reference to the reply, dated 3rd February, 1932, of the Honourable the Commerce Member to question No. 88 of Sardar Sant Singh, are Government in a position now to state when the new constitution will come into force in this country ?

The Honourable Sir C. P. Ramaswami Aiyar : I invite the Honourable Member's attention to the reply I gave to Mr. Bhuput Singh's starred question No. 100 on the 7th September, 1932.

APPREHENSION FOR DEFICIT IN CENTRAL REVENUES IN NEXT BUDGET.

303. ***Mr. Goswami M. R. Puri** : Will Government be pleased to state whether they apprehend a deficit in the Central Revenues in the forthcoming budget ? If so, what is the probable amount of such deficit and what remedies do Government contemplate taking to meet it ?

The Honourable Sir Alan Parsons : It is much too early to say what the results of the year will be.

CREW STAFF OF THE GREAT INDIAN PENINSULA RAILWAY.

304. ***Mr. Goswami M. R. Puri** : Will Government be pleased to state (i) the total number of Crew staff, (ii) the total annual expendi-

ture towards the maintenance of the staff and (iii) the total income derived during the year 1931-32 in the Great Indian Peninsula Railway ?

Mr. P. B. Rau : Information is being collected and will be laid on the table in due course.

INDIANISATION OF REGIMENTS.

305. ***Mr. B. V. Jadhav :** Will Government be pleased to state :

- (a) the names of the regiments that were selected for Indianisation under the eight unit scheme ;
- (b) the date from which the scheme came into operation ;
- (c) the number of King's and Viceroy's Commissioned Officers in each unit on the date mentioned in answer to part (b) ; and
- (d) their number on 30th June, 1932 ?

Mr. G. R. F. Tottenham : (a), (c) and (d). I lay on the table a statement giving the information desired.

(b) 14th March, 1923.

(a) The following eight units were originally selected for Indianisation :

2/1st Punjab Regiment.

5th Royal Battalion, 5th Mahratta Light Infantry.

1/7th Rajput Regiment.

1/14th Punjab Regiment.

4/19th Hyderabad Regiment.

2nd Battalion, Madras Pioneers.

7th Light Cavalry.

16th Light Cavalry.

(c) and (d).

	King's Commissioned Officers.				Viceroy's Commissioned Officers.	
	British.		Indian.			
	On 14-3-23	On 30-6-32	On 14-3-23	On 30-6-32	On 14-3-23	On 30-6-32
2/1st Punjab Regiment ..	20	8	..	8	20	20
5/5th Mahratta Light Infantry	16	9	2	8	20	20
1/7th Rajput Regiment ..	19	9	2	10	21	21
1/14th Punjab Regiment ..	20	10	..	8	20	20
4/19th Hyderabad Regiment..	16	10	..	10	20	20
2nd Madras Pioneers ..	20	10	..	8	16	15
7th Light Cavalry ..	18	7	..	10	19	19
16th Light Cavalry ..	20	8	1	10	19	19

DIVISION INDIANISED UNDER CHETWODE COMMITTEE SCHEME.

306. ***Mr. B. V. Jadhav** : Will Government be pleased to state :

- (a) the name of the Division which is to be Indianised under the Chetwode Committee Scheme and the units constituting it ;
- (b) the date from which the scheme came into operation ;
- (c) the number of King's and Viceroy's Commissioned Officers in each unit on that date ;
- (d) the number of King's Commissioned Officers appointed up to the end of June, 1932 ;
- (e) the number of Viceroy's Commissioned Officers appointed in each unit, if any, during that period ; and
- (f) the number of Indian King's Commissioned Officers ?

Mr. G. R. F. Tottenham : (a), (c) and (d). The 4th Cavalry Brigade and the 4th Division have been selected for Indianisation, and sufficient Infantry and Cavalry units have been selected to fill these formations. I lay on the table a statement giving the remainder of the information asked for in this part of the question and in parts (c) and (d).

(b) 15th April, 1932.

(e) One. He was appointed to complete the establishment of Viceroy's Commissioned Officers in the 5/2nd Punjab Regiment.

(f) In addition to officers of the Indian Medical Service there are at present 109 Indian officers holding the King's Commission in the Indian Army.

(a) The Indianising Cavalry Brigade and Division will contain the following units in addition to those mentioned in part (a) of the Statement laid on the table in reply to starred question No. 371 :

5/2nd Punjab Regiment.
5/6th Rajputana Rifles.
5/8th Punjab Regiment.
5/10th Baluch Regiment.
5/11th Sikh Regiment.
4/12th Frontier Force Regiment.
6th Royal Battalion, 13th Frontier Force Rifles.
3rd Cavalry.

(c) and (d).

	King's Commissioned Officers.				Viceroy's Commis- sioned Officers.
	British.		Indian.		
	On 15-4-32	On 30-6-32	On 15-4-32	On 30-6-32	
5/2nd Punjab Regiment ..	15	15	..	..	20
5/6th Rajputana Rifles ..	14	14	..	1	20
5/8th Punjab Regiment ..	17	17	..	1	20
5/10th Baluch Regiment ..	17	17	..	1	20
5/11th Sikh Regiment ..	14	14	1	2	20
4/12th Frontier Force Regi- ment.	20	20	..	..	20
6/13th Frontier Force Rifles	18	18	..	..	20
3rd Cavalry	16	16	..	1	19

The figures for the eight units originally Indianised are given in the Statement laid on the table in reply to starred question No. 371.

ARRANGEMENT FOR HOUSING ADDITIONAL KING'S COMMISSIONED OFFICERS.

307. ***Mr. B. V. Jadhav :** In furtherance of the policy of Government to replace in the Indianised units the Viceroy's Commissioned Officers by the King's Commissioned Officers, will Government be pleased to state what arrangements they have made or propose to make to house the additional 16 King's Commissioned Officers that will be appointed to each unit ?

Mr. G. R. F. Tottenham : The matter is under consideration and no final decisions have yet been reached. It will be some years before the increase in the number of officers materially affects the housing problem and, to start with, it is hoped that the existing arrangements for the accommodation of King's Commissioned Officers will be sufficient.

STATUS OF SUCCESSFUL STUDENTS FROM MILITARY ACADEMY.

308. ***Mr. B. V. Jadhav :** Will Government be pleased to state whether they will give the successful students from the Military Academy the same status which students from Sandhurst now enjoy or will enjoy in future ? Or is their status to be inferior to that of the men from Sandhurst ? Will there be any difference in pay or prospects of promotion ?

Mr. G. R. F. Tottenham : As already announced in a Press Communiqué issued on July 8th, the pay of officers commissioned from the Indian Military Academy will be less than that now given to officers commissioned from Woolwich and Sandhurst, which contains an overseas element.

The type of their commission, as explained in the Communiqué, will also be different and will be similar to that now granted, for instance, to officers of the Canadian forces. Their prospects of promotion will be precisely the same as those of British officers commissioned at the same time from Sandhurst.

Dr. Ziauddin Ahmad : Will these officers be eligible for appointment in all the regiments or only in those regiments which are supposed to be Indianised ?

Mr. G. R. F. Tottenham : The officers will be appointed in the units composing the Indianising division.

Mr. B. V. Jadhav : At present the Commissioned Officers from Sandhurst are appointed first to a British regiment. Will these officers from the Indian academy be similarly appointed first to a British regiment ?

Mr. G. R. F. Tottenham : They will be attached, after leaving the Indian academy, to a British regiment for one year.

Mr. Lalchand Navalrai : Why is the distinction maintained in regard to the Indian officers who come out of the Indian academy and why are they placed in regiments which are Indianised ?

Mr. G. R. F. Tottenham : That is the policy enunciated by His Excellency the Commander-in-Chief that, instead of Indianising a certain number of units, we are going to Indianise a complete division of the Army.

Dr. Ziauddin Ahmad : In view of the invidious distinction which the Honourable Member proposes between the officers trained at Sandhurst and the officers trained at Dehra Dun, it will be a legitimate inference on our part that we should demand in future that no officer should be recruited in our Army who is trained at Sandhurst.

Mr. G. R. F. Tottenham : I do not understand what invidious distinction the Honourable Member refers to.

Dr. Ziauddin Ahmad : There will be two kinds of Commissioned Officers, one trained at Dehra Dun and the other at Sandhurst and those trained at Dehra Dun will not be eligible for appointment in the British regiments ?

Mr. G. R. F. Tottenham : I can assure the Honourable Member that there is no intention of making any invidious distinction in this matter. The change is merely intended to place the Indian army of the future on exactly the same basis as the armies of the self-governing dominions.

Mr. H. P. Mody : Apart from the overseas allowance, will there be any other difference in pay between these two different classes of officers ?

Mr. G. R. F. Tottenham : The rates of pay, as stated in the Communiqué, have not been finally settled, but the main idea on which the revision is to be based is that the Indian King's Commissioned Officers coming out from Sandhurst, at present receive in their pay an element of overseas allowance. This is not considered necessary for officers who are serving in their own country.

COMPULSORY JOINING OF OFFICERS' MESS.

309. ***Mr. B. V. Jadhav :** Is it the policy of the Army Department to compel the officers trained at the Academy to join the officers' mess even when their salaries are reduced ?

Mr. G. R. F. Tottenham : Yes, Sir. Under the King's Regulations every officer of a corps must belong to a regimental mess. It should be understood, however, that the reduction in the rates of pay, to which the Honourable Member refers, is being undertaken on the ground that it is unnecessary for the Indian officer of the future to receive the element to cover overseas expenses, which is granted to British officers of the Indian Army serving in India. The new rates of pay will be fixed with reference to the requirements of an officer serving in his own country, including the fact that he will be required to belong to his regimental mess.

Mr. B. V. Jadhav : Is it not a fact that at present officers on their first entry into service find it very difficult to make both ends meet ?

Mr. G. R. F. Tottenham : I have no information to that effect.

PROTECTION OF GLASS INDUSTRY IN INDIA.

310. ***Bhai Parma Nand :** (a) Is it a fact that the Government of India appointed a Tariff Board in 1931, to examine and report upon, *inter alia*, the present condition of the glass industry in India, and to consider the demand for protection to the industry put forth by the Indian glass manufacturers ?

(b) If so, has this Board submitted any report on the subject to Government ?

(c) If the answer to the above is in the affirmative, will Government be pleased to state :

- (i) when this report was submitted, and whether Government will please lay a copy of the same on the table ;
- (ii) whether the report has been published for the information of the public ;
- (iii) whether the subject of the report, and the recommendations contained therein, will come up for discussion in this House in the ensuing session ; and
- (iv) what action has been taken, or is intended to be taken, by Government on this report ?

The Honourable Sir C. P. Ramaswami Aiyar : (a) The question of protection to the Indian glass industry was referred to the Tariff Board in 1931.

(b) Yes.

(c) (i) The report was submitted towards the end of March, 1932. It is not usual to lay copies of the Tariff Board's reports on the table, but on publication a copy is sent to each Member of the Legislature.

(ii) Not yet.

(iii) and (iv). The report is being examined by the Government of India and until this examination is completed, the action that will be taken cannot be indicated.

Mr. B. Das : May I enquire why Government are taking such a long time to examine this report and why it has not been published ? When is it likely to be published ?

The Honourable Sir C. P. Ramaswami Aiyar : The report raises fairly large issues, and it is hoped that the report and the decision of Government will be published very shortly.

Mr. B. Das : Before this session closes ?

The Honourable Sir C. P. Ramaswami Aiyar : I cannot guarantee that.

PAYMENT OF *Peishkist* IN THE IMPERIAL BANK OF INDIA.

311. ***Mr. B. Rajaram Pandian :** (a) Will Government be pleased to state if the Imperial Bank could refuse to take deposits made by the Zemindaries towards the *Peishkist* payable to Government ? If the answer is in the affirmative, will Government please state the reasons why ?

(b) Are Government prepared to issue instructions to all branches of the Imperial Bank to receive payments from Zemindars when made towards the *Peishkush* of their Zemindaries and also to issue instructions to the Taluk Treasuries concerned to recognise such payments ?

The Honourable Sir Alan Parsons : The matter is one for the Local Government. A copy of the question and of this reply are being forwarded to the Government of Madras for such action as they may consider necessary.

EXEMPTION FROM AGE-LIMIT OF QUALIFIED SONS OF POSTAL EMPLOYEES.

312. ***Mr. B. Rajaram Pandian :** Will Government be pleased to state whether the provincial authorities in the Postal Department or the Public Service Commission constituted in the Provinces usually exempt qualified candidates, who are the sons of Postal employees, should they be overaged at the time of the retirement of their fathers? If not, are Government prepared to issue the necessary orders for such exemption?

The Honourable Sir Frank Noyce : Government have no information nor do they propose to issue any such general orders. The Post and Telegraph administrative authorities are vested with some discretion in this matter, which I have no doubt they exercise in a reasonable manner.

LANDING PLACE FOR AIR SERVICE IN RAMESWARAM ISLAND.

313. ***Mr. B. Rajaram Pandian :** (a) Will Government be pleased to state if it is a fact that there was a proposal to have a landing place for Air Service in the Rameswaram island in South India?

(b) If so in what stage is the proposal?

(c) When will effect be given to it?

(d) What is the amount of expenditure Government have incurred so far to work out the scheme?

(e) What is the total outlay proposed thereon?

The Honourable Sir Frank Noyce : (a) No such proposal has been considered by the Government of India.

(b), (c), (d), and (e). Do not therefore arise.

CREATION OF POSTS OF JOURNEYMEN IN THE MECHANICAL WORKSHOP, NORTH WESTERN RAILWAY, MOGHALPURA.

314. ***Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state whether it is a fact that 12 posts of the Journeymen were created in grade Rs. 100—10—170 in the Mechanical Workshop, North Western Railway, Moghalpura?

(b) If the reply to part (a) above is in the affirmative, will Government be pleased further to state whether it is a fact that 27 candidates were interviewed on the 8th and 9th April in connection with the above appointments?

(c) Will Government be pleased to state the necessity which made it incumbent upon Government to create the above posts in these days of financial stringency?

(d) Will Government be pleased to state whether the vacancies in the above posts were advertised and all the candidates and communities were given a fair chance for seeking appointments in this connection?

(e) If the reply to part (d) above is in the affirmative will Government be pleased to state the name and the particular dates of the issues of such newspapers in which these posts were advertised ?

(f) Will Government be pleased to state the total number of the candidates called in for interview classified according to their community ?

(g) Will Government be pleased to state also whether final appointments to these posts have been made ? If so, will they be pleased to furnish the data in the form below ?

(h) Will Government be pleased to state to which community the A. P. O. of the S. M. W.'s office belongs ?

(i) Has any attempt been made to redress the Muslim paucity in the Railway Service ?

Name of Candidate.	Candidate's Community.	Qualification.	Whether recommended by the S. A. P. Central labour to the S. M. Workshop or not.	Whether called for interview or not.	Reason for the refusal of interview.	Was the candidate successful in getting service or not.	Remarks, if any.

Mr. P. R. Rau : (a) No posts were created ; I understand 12 vacancies were filled.

(b) 37 candidates were interviewed, some on 8th April and some on 5th July.

(c) As I have already explained, no new posts were created.

(d) and (e). I understand the posts were not advertised for. I am ascertaining the reasons for this and will lay a statement on the table in due course.

(f) and (g). Of the number of candidates interviewed, 6 were Anglo-Indians, 13 Hindus, 14 Muslims, 3 Sikhs and 1 Parsee. Of the number of candidates finally appointed, 3 were Anglo-Indians, 3 Hindus, 5 Muslims and 1 Parsee.

(h) I understand he is a Jain.

(i) The position of Government in this matter was explained at length by Mr. Hayman and Sir George Rainy during the Railway Budget debates in March last and I cannot add anything at present.

STATUS OF HEADMASTERS IN RAILWAY SCHOOLS.

315. ***Mr. M. Maswood Ahmad :** (a) Is it a fact that the Headmaster of the Oakgrove School gets first class passes from the East Indian

Railway, but the Headmasters of the Indian English High Schools do not get first class passes ?

(b) What is the scale of pay of the following teachers of the Oakgrove School and what class of passes are granted to them :—(i) First Asstt. Master, (ii) Headmistress, Girls School and (iii) Headmistress, Junior School ?

(c) With reference to Mr. Rau's answer to my question No. 945 (a) on the 24th March 1932 that the Headmaster of the Oakgrove School is not in Superior Service, what is the reason for granting him first class passes and at the same time refusing this privilege to the Headmasters of Indian High Schools ?

(d) Is it not a fact that a boy passing out of the Oakgrove School is admitted to the same class in a College or University as a boy passing out from the Indian High Schools ?

(e) Is it a fact that the Oakgrove School is of the same standard as the Indian High Schools ? If so, why does the administration make distinction between Headmasters of these institutions in the matter of passes ?

Mr. P. R. Rau : (a) Yes.

(b) (i) First Assistant Master, Rs. 300—25—425, *plus* Rs. 50 overseas allowance.

(ii) Head Mistress, Girls School, Rs. 250—25—350, *plus* Rs. 50 overseas allowance.

(iii) Head Mistress, Junior School, Rs. 250—25—350.

All these get first-class passes.

(c) and (e). The matter has been referred to the Agent, East Indian Railway. I shall lay a statement on the table explaining the position further when I receive a reply.

(d) Yes.

Mr. Gaya Prasad Singh : Why is it that the Headmaster of the Oakgrove School gets a first class pass, while the Headmasters of the Indian High Schools do not get first class passes ? What is the reason ?

Mr. P. R. Rau : That is the point on which I propose to lay a statement on the table later on when I receive the information from the Agent of the East Indian Railway.

GRANT OF HONORARY RANK OF OFFICERS TO HEADMASTERS OF THE EAST INDIAN RAILWAY INDIAN HIGH SCHOOLS.

316. ***Mr. M. Maswood Ahmad :** (a) Is it a fact that the Headmasters of the East Indian Railway Indian High Schools were given the scale of pay of Government High School Headmasters ?

(b) Is it a fact that the Headmasters of Government High Schools in Bengal, Bihar and the United Provinces where these Indian Railway High Schools are situated are treated as gazetted officers by their employers and not as subordinates ?

(c) Is it a fact that there are several subordinates on the East Indian Railway holding honorary rank of officers ?

(d) Are Government prepared to grant honorary rank of officers to the five Headmasters of the Indian High Schools along with the Headmaster of the Oakgrove School ?

Mr. P. R. Rau : (a) The pay of all teachers in Railway Schools on the East Indian Railway was assimilated to the pay of teachers in Government Schools from 1st April, 1929.

(b) From the Civil List of these provinces it appears that there are some Headmasters whose posts are not gazetted.

(c) Yes.

(d) The question will be considered.

AMOUNT OF FEES COLLECTED BY THE PUBLIC SERVICE COMMISSION FROM DIFFERENT EXAMINATIONS.

317. ***Mr. Gaya Prasad Singh :** Will Government kindly place on the table a statement showing separately the amount of fees collected by the Public Service Commission from candidates for different examinations, year by year, since its establishment ?

The Honourable Mr. H. G. Haig : I place a statement on the table containing the information asked for.

Statement showing the amount of fees realised by the Public Service Commission from candidates in connection with the different examinations held by the commission since its inception.

Financial year.	Indian Civil Service.	Indian Audit and Accounts Service.	Indian Police Service and U. P. P. S.	Engineering and Railway Services.	Indian Forest Service.	United Provinces Civil Service.	Ministerial Service Examination (Government of India).
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1926-27 .. ..	..	..	*990	..	..	..	15,100
1927-28	13,940	11,820	1,830	5,020	1,415	5,500	†
1928-29	17,610	12,465	2,600	5,525	3,225	5,560	†
1929-30	20,680	16,325	5,365	13,295	2,310	6,975	†
1930-31	20,755/6	12,745	5,695	15,095	2,155	7,460	17,880
1931-32	26,940	†	7,920	13,880/4/6	†	6,965	†

* This amount is on account of the fees realised in connection with the Indian Police Service (Punjab Examination only. The Indian Police Service examination was taken over from the Educational Commissioner at the stage at which the scripts, were being received from the Examination Centres. No statement of receipts can, therefore, be given in respect of this examination for 1926-27.

† No examination for these Services were held in these years.

PROPOSED INVESTIGATION INTO THE REORGANISATION OF INDIAN RAILWAYS
BY SIR HENRY THORNTON.

318. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that Sir Henry Thornton who recently resigned the presidency of the National Railways, is coming out to India to investigate the reorganisation of Indian Railways ?

(b) If so, what are his qualifications, what exactly is the scope of his enquiry, who has authorised him to undertake this enquiry and on what terms ?

Mr. P. R. Rau : The answer to part (a) of the question is in the negative and part (b) does not arise.

TRIBUNAL ON CAPITATION CHARGES.

319. ***Mr. B. Das :** (a) Will Government be pleased to state the personnel of the tribunal set up to arbitrate on the question of capitation charges between India and Great Britain ?

(b) Is the tribunal the final authority or is it merely an " advisory " one ?

(c) Will the findings of this " advisory " tribunal be binding on the British and the Indian Governments ?

Mr. G. R. F. Tottenham : I would refer the Honourable Member to the Press communiqué on this subject issued on the 1st September and to the debate that took place in this House on September 6th, 1932.

TERMS OF REFERENCE OF THE TRIBUNAL ON CAPITATION CHARGES.

320. ***Mr. B. Das :** (a) In regard to the terms of reference of the advisory tribunal on capitation charges, *vile* para. (2), *viz.*,

" To examine India's claim that a contribution should be made from Imperial revenues towards military expenditure from Indian revenues and to report the basis on which any contribution should be assessed."

will Government be pleased to state if this reference to India's defence burden arose out of the deliberations of the Round Table Conference ?

(b) Why was not such a tribunal or such an expert committee appointed last cold weather simultaneously with the appointment of the Federal Finance Committee and Indian States Finance Committee ?

Mr. G. R. F. Tottenham : (a) and (b). As explained in the debate on the subject which took place on September 6th, the function of the Tribunal will be to consider, and assess the value of, certain claims and counter claims of a financial nature. These claims had their origin many years before the Round Table Conference came into being and did not arise out of the deliberations of that Conference. The Conference made no recommendation with regard to them, and there was therefore no question of appointing a Committee of the Round Table Conference to deal with them last cold weather.

Mr. B. Das : Has the attention of the Honourable Member been drawn to the *Statesman* of this morning where the military correspondent of the *Statesman* writing from London says this :

“ The advisory tribunal will also consider India's claim that a contribution should be made towards her military expenditure, and the War Office claim that India should pay a direct contribution towards the cost of the Regular and Supplementary Reserves.”

Does not that show that the views of this side of the House are also held by the military correspondent of the *Statesman* in London ?

Mr. G. R. F. Tottenham : I have not seen the statement to which the Honourable Member referred. I did not quite understand the last part of his question.

Mr. B. Das : Does not this correspondent confirm the statement which we made on this side of the House ?

(No reply was given.)

INDIA'S DEFENCE EXPENDITURE.

321. ***Mr. B. Das :** (a) Are Government aware that the Federal Finance Committee in their so called “ expert findings ” based India's military expenditure, excluding those of Burma, at Rs. 47 crores ?

(b) Were not the Government of India alive early this year to the fact that India's incidence of defence burden requires revision ?

(c) Will Government be pleased to lay on the table all relevant papers they submitted to the Federal Finance Committee supporting or differing from the basic figure of Rs. 47 crores as India's defence expenditure ?

The Honourable Sir Alan Parsons : (a) 47 crores is the figure given in paragraph 10 of the Report.

(b) I presume the Honourable Member is referring to the recent appointment of an advisory tribunal to examine, among other things, India's claim for a contribution from Imperial revenues towards military expenditure. I should like to invite the attention of the Honourable Member to paragraph 7 of the report of the Federal Finance Committee in which the Committee have stated that the data on which their proposals are based should be reviewed immediately before the establishment of the Federation in the light of the information then available and that their conclusions should be held to be subject to the results of such a review.

(c) The Federal Finance Committee decided not to publish any papers submitted to it. Government therefore regret that they cannot comply with the request of the Honourable Member.

REPORT OF THE TRIBUNAL ON INDIA'S DEFENCE.

322. ***Mr. B. Das :** (a) Will Government be pleased to state when they expect to receive the report of the Advisory Tribunal on India's defence ?

(b) Will Government be pleased to state if this report will be considered by the Consultative Committee or the Federal Structure Committee or the Round Table Conference or the substitutes of such committees and conferences ?

(c) Are Government prepared to convey to the British Government the desirability of expediting the work of this Advisory Tribunal ?

Mr. G. R. F. Tottenham : (a) I am unable to say when the Capitation Rates Tribunal is likely to report.

(b) For the reason given in the reply to the Honourable Member's question No. 320, it is not proposed to refer the report of the Tribunal to the Round Table Conference or any corresponding body.

(c) His Majesty's Government are fully aware of the desire of the Government of India that this question should be speedily settled.

MEETING OF THE CONSULTATIVE COMMITTEE IN INDIA.

323. ***Mr. B. Das :** (a) Will Government be pleased to state whether there is any likelihood of the Consultative Committee meeting in India and, if so, when ?

(b) Will Government be pleased to state if their attention has been drawn to the press news that the Consultative Committee has been scratched ?

(c) If the reply to part (b) be in the affirmative, will Government be pleased to state what *modus operandi* will be adopted to discuss issues as detailed in their communiqué of 13th April last ?

The Honourable Sir C. P. Ramaswami Aiyar : (a), (b) and (c) I would invite the Honourable Member's attention to His Excellency the Viceroy's address to the Members of this House on the 5th instant.

SALE OF JAPANESE COTTON YARN AND PIECE-GOODS IN INDIA.

324. ***Mr. B. Das :** (a) Will Government be pleased to state if they have received an "S. O. S." from the Bombay millowners alleging that Japanese cotton yarn and piece-goods are being sold in India at un-economic prices ?

(b) Is it a fact that Government have asked the Tariff Board to hold an immediate enquiry on the subject ?

The Honourable Sir C. P. Ramaswami Aiyar : (a) and (b). The attention of the Honourable Member is drawn to the Resolution of the Government of India in the Department of Commerce, No. 341-T-(161), dated the 25th July, 1932, which was published in the Gazette of India of the 30th July, 1932, a copy of which is in the Library.

GOVERNMENT CONTROL OVER BOMBAY MILLOWNERS AGAINST MISMANAGEMENT.

325. ***Mr. B. Das :** (a) Will Government be pleased to state if after the last Cotton Yarn Protection Act, 1930, they have applied any check or control over Bombay millowners regarding their alleged mismanagement ?

(b) Did they institute departmental enquiries before referring to the Tariff Board a fresh enquiry, if the Bombay millowners have improved their management as required by the Noyce Committee ?

(c) Are Government aware that even very recently the President of the Bombay Stock Exchange made similar charges of inefficiency and unsound finances against the Bombay millowners and their managing agency system ?

The Honourable Sir C. P. Ramaswami Aiyar : (a) and (b). It is presumed that the Honourable Member is referring to the Cotton Textile Industry (Protection) Act, 1930. The answer to parts (a) and (b) of his question is in the negative.

(c) Government have seen a press report to that effect.

Mr. B. Das : With reference to the answer to parts (a) and (b) being in the negative, may I inquire if it is not the intention of the State to enforce the carrying out of the Noyce Committee's recommendations by the mill-owners ?

The Honourable Sir C. P. Ramaswami Aiyar : The Noyce Committee's recommendations had really nothing to do with the particular item of mismanagement which had a wide publication in the newspapers. The alleged mismanagement consists of what is called the managing agency system and that is a matter which has not been the subject of any Resolution of the Government of India or any report of the Tariff Board.

Mr. H. P. Mody : Is it the intention of Government to extend an invitation to my Honourable friend, Mr. B. Das, to appear before the Tariff Board and give them the benefit of his views ?

Mr. B. Das : I shall be quite prepared to appear before them if they want any information from me. But in view of the fact that the Honourable Sir Frank Noyce is now a Member of the Governor General's Executive Council, and in view of the fact that his recommendations received the total sanction of this side of the House, will Government now devise means for these recommendations being given effect to by the Bombay millowners ?

The Honourable Sir C. P. Ramaswami Aiyar : Any recommendations emanating from an authority as competent and as well-instructed as my Honourable colleague will receive the attention that they merit.

Mr. K. C. Neogy : Whatever may be done in the matter, will the Honourable Member bear in mind the supreme consideration that the mental equilibrium of the Bombay managing agents must not be disturbed on any account ?

The Honourable Sir C. P. Ramaswami Aiyar : Government do not consider it as part of their duty to maintain the mental equilibrium of any one including that body of men, the managing agents of the Bombay mills.

ALLEGED INEFFICIENCY AND UNSOUND FINANCES OF BOMBAY MILLS.

326. ***Mr. B. Das :** (a) Do Government propose to ask the Tariff Board to inquire into (i) the causes of inefficiency ; and (ii) unsound finances of the Bombay mills and how far these Bombay *millwalas* have improved their management since the Noyce report was published ?

(b) Are Government also prepared to direct the Tariff Board to prepare statements of costs of production of cotton yarns, piece-goods, etc., on territorial basis, e.g., Ahmedabad, Delhi, Calcutta, Coimbatore, Bombay Island, South Bombay Pr., etc. ?

(c) Do Government also propose to direct the Tariff Board to prepare statements of Managing-Agency-owned mills as to the benefits enjoyed by these Managing Agents in buying and selling commissions, in office allowances, in agency fees, in speculation over cotton purchases, etc., etc. ?

(d) Do Government also propose to ask the Tariff Board to report on the effect of high prices of cotton yarns on the income of the hand-loom weavers and the present distress amongst handloom weavers in India ?

The Honourable Sir C. P. Ramaswami Aiyar : I understand that the Honourable Member is referring to the emergency enquiry which the Tariff Board was directed to make in July last. As that enquiry has concluded, the question of what should be the terms of reference to the Tariff Board does not arise.

Mr. B. Das : May I inform the Honourable Member that my question also applies to the present inquiry as well only to the emergency inquiry ?

The Honourable Sir C. P. Ramaswami Aiyar : That is also about three-quarters way through and the report may be expected at no distant date.

Mr. B. Das : But is it not a fact that the Tariff Board is at present in Calcutta and making inquiries into the matter ?

The Honourable Sir C. P. Ramaswami Aiyar : That is so, of course.

Mr. B. Das : Will it not be better if the Honourable Member forwards these questions to the Tariff Board to take a note of them ?

The Honourable Sir C. P. Ramaswami Aiyar : The members of the Tariff Board will not be unalive to the importance of the questions asked and answers given in this Honourable House.

Mr. H. P. Mody : Are Government aware that every single one of the points covered by these numerous questions of my Honourable friend has been the subject of an inquiry by the Tariff Board in the questionnaire that they have issued ?

The Honourable Sir C. P. Ramaswami Aiyar : Very few questions appertaining to the industry have escaped the attention either of the witnesses or of the Tariff Board.

COTTON MILLS IN INDIA.

327. ***Mr. B. Das :** (a) Are Government aware that most of the cotton mills in India are working double shift and are understood to be making huge profits ?

(b) Will Government be pleased to state :

- (i) the number of workers in all the cotton mills in India ;
- (ii) the number of handloom weavers ; and
- (iii) the production of cotton piece-goods in each case ?

(c) Will Government be pleased to lay on the table a statement for the two years 1928-29 and 1931-32, giving :

- (1) the total cotton yarn produced in Indian mills ;
- (2) the total piece-goods manufactured in Indian mills ; and
- (3) the total cloth produced by handloom weavers
 - (i) from mill spun yarn, and
 - (ii) from hand spun yarn ?

(d) Are Government aware also that handloom weavers, owing to high prices of cotton yarns and low level of prices of cotton goods, are getting most uneconomic wages ?

The Honourable Sir Frank Noyce : (a) A number of cotton mills are working on two or more shifts ; but I do not think that the majority are so working, and I am not aware that all those so working are making substantial profits.

(b) (i) The number in British India in 1931 was 363,576. Figures, for the whole of India are not available.

(b). (ii) and (d). Government have no information.

(iii) For 1931-32 the figures were :

by mills 2,990 million yards,

by handlooms 1,500 million yards.

(c) A statement is laid on the table giving the information available.

Statement showing the production of cotton yarn and piece-goods by Indian mills and of cloth by handloom weavers.

	1928-29.	1931-32.
(c) (1) Total cotton yarn produced in Indian mills. Million pounds	648	966
(2) Total piece-goods manufactured in Indian mills. Million yards	1,893	2,990
(3) (i) Total cloth produced by handloom weavers from mill spun yarn. Million yards	1,080	1,500
(ii) Figures are not available.		

POWERS OF THE GOVERNOR GENERAL IN REGARD TO THE RENEWAL OF THE ORDINANCES.

328. ***Sardar Sant Singh :** (a) Will Government kindly state whether the Government of India or the Secretary of State for India consulted their law officers in England or in India as to the powers of the Governor General of India under section 72 of the Government of India Act to renew the Ordinances before the Ordinance of the 30th June last was renewed ?

(b) If so, will Government lay on the table the text of the opinion ? If not, will Government please state why the opinion of the law officers was not taken when the validity of the Ordinances has been questioned in the press ?

(c) Are Government prepared to take this opinion now ?

The Honourable Mr. H. G. Haig : (a) Yes.

(b) I regret I am unable to lay the text of the opinion on the table.

(c) Does not arise.

Mr. Gaya Prasad Singh : May I know if the opinion of the Law Officers in England was that Government have not the power to renew the Ordinances ?

The Honourable Mr. H. G. Haig : I am afraid it is the invariable rule that the opinion of the Law Officers of the Crown is not to be published. But as I have already stated that it was taken, it is perhaps a reasonable inference that the general effect of it was not what the Honourable Member suggests.

Sardar Sant Singh : May I know if the Law Officers of the Crown differed on this point, or were they unanimous ?

The Honourable Mr. H. G. Haig : There was no difference of opinion.

SIKH REGIMENTS IN THE PUNJAB.

329. ***Sardar Sant Singh :** Will Government kindly state the number of the Sikh regiments stationed in the Punjab during the years 1930, 1931 and till September, 1932 ?

Mr. G. R. F. Tottenham : The Corps Headquarters of the Sikh Pioneers is permanently stationed at Sialkot. In each of the years mentioned by the Honourable Member one Battalion of the Sikh Pioneers was also stationed at Sialkot.

No battalions of the 11th Sikh regiment were stationed in the Punjab during the three years in question. There are only two Sikh Regiments, but, if the Honourable Member will refer to the Army Lists he will find that there are a number of other units which recruit Sikhs and that many of them were stationed in the Punjab.

SIKHS BROUGHT UNDER REDUCTION ON DISBANDMENT OF INDIAN REGIMENTS.

330. ***Sardar Sant Singh :** (a) Is it a fact that Government are contemplating to disband eight Indian regiments ?

(b) If so, how many Sikhs will be brought under reduction ?

Mr. G. R. F. Tottenham : (a) Government have come to the conclusion that it is no longer possible or necessary to retain a separate organization of Pioneers. This decision will involve the disbandment of the present 7 Pioneer Battalions and 3 Corps Headquarters.

(b) I am not at present in a position to give the information desired by the Honourable Member. I can assure him, however, that endeavours are being made to retain in the army the largest possible number of men now serving in these battalions, and it is hoped that it may be possible to offer employment to a large proportion of them in other units.

Dr. Ziauddin Ahmad : May I ask whether this action is being taken in order to secure retrenchment ?

Mr. G. R. F. Tottenham : The action is being taken partly in view of the consistent and urgent pressure to reduce the cost of the army and partly because the army have come to the conclusion that the Pioneer organisation is no longer absolutely essential.

Mr. F. E. James : Will the Honourable Member state roughly how much he expects to save by this disbandment ?

Mr. G. R. F. Tottenham : An accurate estimate of the savings has not yet been made ; but I think it will be between 20 and 25 lakhs of rupees a year.

Mr. B. V. Jadhav : Will there be any reduction in the European forces ?

Mr. G. R. F. Tottenham : That is a matter which is the subject of a separate inquiry.

Mr. F. E. James : Will the Honourable Member state whether it will be possible for any of the personnel of these pioneer regiments on disbandment to be absorbed in the Sappers and Miners ?

Mr. G. R. F. Tottenham : Yes, Sir : that is what we hope : that a large proportion of the Pioneer personnel which will be disbanded as a result of this decision will be enlisted in the Sappers and Miners, which we hope to increase in strength.

Mr. M. Maswood Ahmad : What will be the total number of Indian regiments whom you are going to retrench ?

Mr. G. R. F. Tottenham : The whole of the Pioneer organisation is going to be disbanded : that is to say, the three Pioneer corps—the Madras, Bombay and Sikh Pioneers—and also the Hazara Pioneers.

Mr. Gaya Prasad Singh : May I know what will be the net saving to the Government after the personnel of these Indian regiments have been absorbed into the Sappers and Miners ?

Mr. G. R. F. Tottenham : I have just given all the information I have to my Honourable friend, Mr. James : we hope that the saving will be between 20 and 25 lakhs of rupees.

Mr. Gaya Prasad Singh : Net saving ?

Mr. G. R. F. Tottenham : Yes.

PROPOSED ADDITIONAL BRITISH REGIMENTS.

331. ***Sardar Sant Singh :** Is it a fact that three British regiments will be added to the existing number of British troops ? If so, why ?

Mr. G. R. F. Tottenham : There is no proposal under consideration to add 3 British regiments to the strength of the Army in India.

Mr. B. V. Jadhav : Is there any proposal to reduce the number of British regiments ?

Mr. G. R. F. Tottenham : As I have just replied to the Honourable Member, that is a matter which is the subject of a separate expert inquiry.

INADEQUATE REPRESENTATION OF SIKHS IN CERTAIN OFFICES.

332. ***Sardar Sant Singh :** Will Government be pleased to state :

- (a) the total number of clerical appointments in the office of the Director General, Posts and Telegraphs, Postmaster General, Punjab and North-West Frontier Circle and Dead Letter Office, Lahore, separately ;
- (b) the number of such appointments held by Sikhs, Hindus and Muslims, separately ;
- (c) the number of such appointments filled up during the last six years from each of the above communities ;

- (d) if the answer to the part (c) shows an inadequate recruitment from among the Sikhs, whether Government will be pleased to give reasons why no Sikh has been taken in the above clerical establishments during the last six years ; and
- (e) whether Government propose to take action to ensure that, in future, orders for the redress of communal inequalities and about the recruitment in every third vacancy of a member of the minority communities or community not properly represented and more particularly of the Sikhs are properly observed in future ?

The Honourable Sir Frank Noyce : (a) to (d). The information has not been called for as its collection would involve an expenditure of time and labour not commensurate with the value of the result.

(e) Government have no reason to suppose that the existing orders for the redress of communal inequalities, to which the attention of all concerned has frequently been drawn, are not being properly observed and, do not, therefore, propose to take any special action in the matter.

APPOINTMENT OF SIKHS AS ASSISTANT DEPUTY DIRECTORS GENERAL OF POST AND TELEGRAPHS.

333. ***Sardar Sant Singh :** (a) Will Government be pleased to state the total number of appointments of Assistant Deputy Director General in the Office of Director General, Posts and Telegraphs, and how many of them are held by Sikhs, Hindus and Muslims ?

(b) Are Government aware that Sikhs are not represented in these appointments ? If so, do Government propose to take action to give them representation in future ?

The Honourable Sir Frank Noyce : (a) 7, of which 5 are at present held by Hindus, one by a Muslim and one by an Anglo-Indian, none is held by a Sikh.

(b) The reply to the first part of the question is in the affirmative. As regards the second part, the posts are filled by selection and in this connection the Honourable Member's attention is invited to part (b) of the reply given to his starred question No. 731 on 9th March, 1932.

INADEQUATE PROPORTION OF SIKHS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

334. ***Sardar Sant Singh :** (a) Is it a fact that the Sikh Rights Protection Society made a representation (*vide* its letter No. 3-F.T./21, dated 15th January, 1932) to the Director General, Posts and Telegraphs, about the extremely inadequate proportion of Sikhs in the various branches of the Posts and Telegraphs Department ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state what action has so far been taken or is proposed to be taken now to redress this grievance of the most important minority community of the Punjab and to ensure that their claims are not neglected like this in future ?

The Honourable Sir Frank Noyce : (a) and (b). The Honourable Member is referred to the reply given to his own similar starred question No. 728 in this House on the 9th March, 1932.

Sardar Sant Singh : May I know if any action has been taken since that reply was given in March last ?

The Honourable Sir Frank Noyce : The attention of heads of circles has been drawn to the matter.

NUMBER OF SIKHS RECRUITED IN CERTAIN CADRES OF THE POSTS AND TELEGRAPHS DEPARTMENT.

335. ***Sardar Sant Singh :** Will Government be pleased to state the number of Sikhs recruited in the following cadres of the Posts and Telegraphs Department since the issue of their orders contained in Director General's letter No. A.M.-516/12/27, dated 22nd November, 1927, viz., (that where there is a preponderance of any one community in any unit, i.e., division, office, section, etc., a third of the vacancies must be reserved for the communities not adequately represented) :—(1) Superintendents, (2) Clerks, (3) Postmen, and (4) Inferior servants ?

The Honourable Sir Frank Noyce : Government have no information and are not prepared to call for it as they consider that the time and labour which would be involved in collecting it, would not be commensurate with the value of the result.

PLACE OF A MEMBER OF THE LEGISLATIVE ASSEMBLY IN THE ORDER OF PRECEDENCE.

336. ***Sardar G. N. Mujumdar** (on behalf of Kunwar Raghubir Singh) : Where do the Members of the Legislative Assembly come in the Order of Precedence ?

The Honourable Mr. H. G. Haig : Members of the Legislative Assembly are not included in the Warrant of Precedence. This Warrant is intended primarily to regulate the position of officials holding appointments in India.

Dr. Ziauddin Ahmad : Was not this list prepared at a time when the Legislative Assembly had not come into existence ?

The Honourable Mr. H. G. Haig : The present warrant has been revised certainly once since the Legislative Assembly came into existence.

Mr. Gaya Prasad Singh : Is it not a fact that the practice in democratic institutions is not to include members of the popular house in any order of precedence ?

The Honourable Mr. H. G. Haig : I think so far as England is concerned that the Honourable Member is quite correct : I understand that Members of the House of Commons in England have no place in the table of precedence there.

CHANGE OF PROCEDURE IN THE CONSTITUTION-MAKING.

337. ***Sardar G. N. Mujumdar** (on behalf of Kunwar Raghubir Singh) : Will Government lay on the table the correspondence that passed between the Government of India and the Secretary of State in connection with the change of procedure in the constitution-making ?

The Honourable Sir C. P. Ramaswami Aiyar : Government are not able to lay on the table any correspondence on the subject mentioned in the question.

**REINTRODUCTION OF QUARTER ANNA POSTCARDS AND HALF ANNA ENVELOPES
AND INCOME FROM TELEGRAMS.**

338. ***Sardar G. N. Mujumdar** (on behalf of Kunwar Raghubir Singh) : (a) Is it a fact that there has been a fall in the income of post offices ?

(b) Do Government propose to consider the question of quarter anna post cards and half anna envelopes in view of the fall in the income of post offices ?

(c) Has the income from telegrams increased since the increase in rates ?

The Honourable Sir Frank Noyce : (a) Postage and Message Revenue has been falling since the year 1929-30, but the rate of decline has been considerably reduced since the introduction last year of enhanced charges.

(b) No. Government have every reason to believe that such a reduction would result in a heavy loss in revenue.

(c) No, because the volume of traffic has continued to decrease.

PLOTS OF LAND LYING VACANT ON THE BENGAL NAGPUR RAILWAY.

339. ***Mr. Nabakumar Sing Dudhuria :** Will Government be pleased to state :

(a) the number of plots of more than 5,000 acres that have been lying vacant and unused ever since their acquisition on the Bengal Nagpur Railway ;

(b) the names of localities (reference to stations will do) where such plots are thus lying ;

(c) the respective amounts at which each of such plot was first acquired ;

(d) whether the Company have any project for the utilisation of those plots in the near future ;

(e) whether the Company have ever projected to utilise them in any way ; and

(f) whether the Company are prepared to restore those vacant plots to the original owners on return of the compensation money ?

Mr. P. R. Rau : There are no plots of more than 5,000 acres lying vacant and unused since acquisition on the Bengal Nagpur Railway

PRESENT POSITION OF INDIAN SETTLERS IN SOUTH AFRICA.

340. ***Mr. Nabakumar Sing Dudhoria :** Will Government be pleased to state :

- (a) the specific benefits for the Indian settlers that have come out of the Fazl-i-Husain Delegation to South Africa ;
- (b) the modifications that the Transvaal Land Alienation Act has undergone to the benefit of Indian settlers as the result of representations of the Government of India ; and
- (c) the modifications that the Repatriation Scheme of the South African Union has undergone in consequence of public agitation in India ?

Mr. G. S. Bajpai : (a), (b) and (c). The attention of the Honourable Member is invited to the statement made by me in this House on the 12th September, 1932.

DEATHS ON A SHIP OF SOME REPATRIATED INDIANS FROM SOUTH AFRICA.

341. ***Mr. Nabakumar Sing Dudhoria :** Will Government be pleased to state :

- (a) whether they are aware that some repatriated Indians from South Africa were landed dead from board the ship when the boat arrived at Madras in May last ;
- (b) the causes of their death on board the ship ;
- (c) the number of days they suffered ;
- (d) the name and qualifications of the doctor by whom they were treated on board the ship ;
- (e) the respective ages of the dead persons ;
- (f) if any enquiry or inquest was held over their dead bodies ;
- (g) if so, the result of such enquiry ;
- (h) the number of repatriated Indians that were in the ship ; and
- (i) the tonnage and passenger-carrying capacity of the boat ?

Mr. G. S. Bajpai : (a) No ship carrying repatriated Indians from South Africa arrived at Madras in May last.

(b) to (i). Do not, therefore, arise.

ENQUIRY INTO THE DEATH OF MRINAL KANTI ROY CHAUDHURY, A DETENU IN THE DEOLI DETENTION CAMP.

342. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) whether any representation was made to them to hold an enquiry by a committee of officials and non-officials into the death of Mrinalkanti Roy Choudhury the detenu who is said to have committed suicide at the Deoli Detention Camp ;
- (b) if the answer to part (a) is in the affirmative, whether the request was acceded to ;
- (c) if the answer to part (b) is in the negative, the reasons therefor ; and
- (d) the chief points from the report of the enquiry which was held after the incident by their own officials ?

The Honourable Mr. H. G. Haig : (a) Yes.

(b) No.

(c) An inquest had been held ; the Government of India were satisfied as to the facts and did not consider any useful purpose would be served by a further enquiry.

(d) The finding of the Magistrate who held the inquest has been laid on the table.

“ I give a finding of suicide by fracture of the spinal column of the neck by hanging with a rope, while in a temporary unsound mind. .

I would add that I consider that the jail authorities did all in their power to alleviate the condition of the deceased at all times, and that I consider the chief cause of his act was apprehension of his bodily safety at the hands of his fellow detenus, if sent back to live amongst them in the jail.”

RECRUITMENT FOR VARIOUS SERVICES BY THE PUBLIC SERVICE COMMISSION.

343. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) the services for which there will be absolutely no recruitment this year by the Public Service Commission ;
- (b) the services for which there will be indifferent or restricted recruitment this year by the Public Service Commission ;
- (c) the services for which no public examination will be held this year but there will still be recruitment ; and
- (d) whether announcement of their restricted activities will duly be made by the Public Service Commission in the chief papers of the country ?

The Honourable Mr. H. G. Haig : I lay a statement on the table.

Statement showing the position in regard to the recruitment of the services made through the Public Service Commission in 1932.

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Indian Civil Service | An examination has already been held for 1932. |
| 2. Indian Police Service | An examination is to be held this month. |
| 3. Indian Forest Service | } There will be no recruitment to these services in 1932. The necessary announcements have been made in the Press. |
| 4. Indian Service of Engineers .. | |
| 5. Indian Railway Service of Engineers | |
| 6. Imperial Customs Service .. | |
| 7. Indian Audit and Accounts Service | |
| 8. Military Accounts Department .. | |
| 9. Indian Railway Accounts Service .. | } It is proposed to recruit two officers of non-Asiatic domicile for Burma Railways through the Secretary of State, one for the Medical Department and the other for the Mechanical Engineering and Transportation (Power) Departments. |
| 10. Transportation (Traffic) and Commercial Department of the Superior Revenue Establishment of State Railways. | |
| 11. Special Class Apprentices for the Mechanical Engineering and Transportation (Power) Departments of the Superior Revenue Establishment of State Railways. | |
| 12. Medical Department of the Superior Revenue Establishment of State Railways. | } It is proposed to recruit two officers of non-Asiatic domicile for Burma Railways through the Secretary of State, one for the Medical Department and the other for the Mechanical Engineering and Transportation (Power) Departments. |
| 13. Mechanical Engineering and Transportation (Power) Departments of the Superior Revenue Establishment of State Railways. | |
| 14. Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraph Department. | An examination will be held in December, 1932. |
| 15. Geological Survey of India (Class I) | No regular annual recruitment is made to this service. Owing to reduction in its cadre, it is not expected that any vacancy will arise within the next few years. |
| 16. Indian Meteorological Service .. | No regular recruitment is made to this service. On account of retrenchment, it is not anticipated that any recruitment to this service will be necessary in the near future. |
| 17. Ministerial Service of the Government of India Secretariat and Attached Offices. | An examination for the Third Division will be held in November next. |
| 18. Indian Military Academy .. | An examination was held in July and another will be held in October. |
| 19. Royal Indian Marine .. | An examination will be held in October. |
| 20. Mint and Assay Departments .. | A R. E. officer is being recruited for the Mint Department which consists of 3 posts. |

21. Mines Department (Class I) .. No regular annual recruitment is made to this service. It is not expected that any vacancies will occur within the next few years.
22. Zoological Survey of India .. No examination is held for recruitment to the Zoological Survey. Recruitment is made when occasion arises by inviting applications and selecting the most suitable candidate. It is unlikely that any officers will be recruited for the Survey in the near future.
23. Bengal Pilot Service .. Two Leadsman Apprentices have already been recruited this year. The question of further recruitment during the year is still under consideration.
24. Imperial Secretariat Service (Class I). One post of Assistant Secretary to the Government of India is likely to fall vacant in the Finance Department. It is not proposed to ask the Public Service Commission to fill the vacancy by direct recruitment.
25. Archaeological Department .. No examination is held for recruitment to this Department, recruitment being made by inviting applications from suitable candidates and selecting the most suitable of the applicants. One officer is likely to be recruited for the Department this year.

RETRENCHMENT EFFECTED BY THE RETRENCHMENT COMMITTEE

344. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) the particular directions in which the Retrenchment Committee of the Government of India have effected retrenchment since the Assembly broke up in April last ;
- (b) the results achieved by such retrenchment ;
- (c) the total amount that is proposed to be saved by such retrenchment ; and
- (d) whether the Central Retrenchment Committee are yet functioning ?

The Honourable Sir Alan Parsons : (a), (b) and (c). Part III of the report of the General Purposes Sub-Committee of the Retrenchment Advisory Committee published at the end of July shows the directions in which retrenchments have been recommended by that Committee since the Assembly broke up in April last. Copies have been supplied to the Members of the House. The recommendations of the Committee are still under the consideration of the Government of India ; and the information asked for in (b) and (c) is thus not available at present.

(d) Yes.

AIMS AND OBJECTS OF THE "KADIANI MOVEMENT".

345. ***Mr. Nabakumar Sing Dudhoria** : Will Government be pleased to state :

- (a) whether they are aware of the existence of a Muslim movement that is gaining ground particularly in the Delhi province and generally in the Punjab and is known as the "Kadiani Movement" ;
- (b) if the answer is in the affirmative, whether they are in a position to state the definite aims and objects professed by the Kadiani sect ?

The Honourable Mr. H. G. Haig : (a) and (b). The Honourable Member is no doubt referring to the Ahmadiya Community. This is a well-known religious community which publishes a considerable literature, and the Honourable Member will have no difficulty in finding out what he wishes to know about it without making a reference to Government.

Mr. K. Ahmed : Are Government aware that the Quadianis have got a different understanding of the Prophet and the followers of the Prophet whom the Government of India acknowledge to be of the Muhammadan faith and religion in India, because they grant holidays on the Birthday of the Prophet and also on the Day of the Recovery, on which days the Government allow public holidays to be observed for the Muhammadan festival ? Do Government propose to give an answer whether, on account of these differences between the Quadiani sect and the other sects, there is a dispute going on among the Muhammadans in this country ?

Maulvi Muhammad Shafee Daoodi : On a point of order, Sir. Is this House to be a place where the faith of different sects of the Muslim community is to be brought under controversy ?

The Honourable Mr. H. G. Haig : I would like, Sir, to reinforce the point made by the Honourable Member opposite.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : These questions are not relevant before the House. Government cannot be expected to go into details as regards the differences between colour, caste, creed or religious sects prevailing in the country.

Sir Cowasji Jehangir : Will the Honourable Member make a calculation as to the length of time taken by the Honourable Member in asking questions in this House ?

Mr. K. Ahmed : Will the Honourable Member be pleased to see his narrowmindedness.

INTEREST TAKEN BY NON-BRITISH FOREIGN CAPITALISTS IN SUGAR INDUSTRY

346. ***Mr. Nabakumar Sing Dudhoria** : Will Government be pleased to state :

- (a) whether they are aware that foreign capitalists, not British, are interesting themselves in the indigenous sugar industry ; and

- (b) whether they are also aware that some Dutch sugar experts from Java or their agents have already engaged themselves in the indigenous sugar industry ?

Mr. G. S. Bajpai : (a) and (b). Government have no information beyond the fact that several parties from Java have visited India with the object of studying sugar conditions or of enquiring into the possibility of establishing sugar factories in this country.

Dr. Ziauddin Ahmad : Will Government make inquiries now about the matter and see whether it is a fact ?

Mr. G. S. Bajpai : I have already stated that Government have information that some parties from Java have visited this country. Government have no further information in their possession to justify further inquiries.

Rao Bahadur B. L. Patil : Is it a fact, Sir, that these people have approached the Government of Bombay for certain facilities ?

Mr. G. S. Bajpai : We have had no communication with the Government of Bombay. If my Honourable friend opposite is aware of any, I should be glad to have access to it.

IRREGULARITIES IN RAILWAY FINANCES.

347. ***Mr. Nabakumar Sing Dudhoria :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the serious irregularities that have recently been brought to light by the report of the Accountant-General for Railway Audit on all-India railway accounts ;
- (b) how these irregularities escaped the notice of the railway chief directly responsible for railway finances ;
- (c) whether the Financial Commissioner of Railways has been asked to offer an explanation for the unfortunate state of things disclosed by the report of the Accountant-General ;
- (d) the resolution that the Government of India in their Railway Department have adopted on that report ; and
- (e) the steps that they propose to adopt to prevent such irregularities in the future ?

The Honourable Sir C. P. Ramaswami Aiyar : (a) and (e). I would refer the Honourable Member to the reply given to my Honourable friend Dr. Ziauddin Ahmad's question No. 122 on the same subject.

(b) The object of the report is to bring these irregularities to the notice of the heads of the railway administration and of the Government of India.

(c) Explanations have been obtained from the various railway administrations, and suitable action taken. Obviously the responsibility for the irregularities lies on the administrations concerned and not on the Financial Commissioner of Railways.

(d) I place on the table a copy of a general letter addressed by the Government of India to all railway administrations on questions arising out of the report. Individual irregularities have been taken up separately with individual administrations.

No. 1728-B.

GOVERNMENT OF INDIA.

RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

Simla, the 29th August, 1932.

To

THE AGENTS, ASSAM-BENGAL, BENGAL AND NORTH-WESTERN ; BENGAL-NAGPUR, BOMBAY, BARODA AND CENTRAL INDIA, BURMA, EASTERN BENGAL, EAST INDIAN, GREAT INDIAN PENINSULA, MADRAS AND SOUTHERN MAHETTA, NORTH WESTERN, ROHILKUND AND KUMAON AND SOUTH INDIAN RAILWAYS ; THE MANAGER, JODHPUR RAILWAY ; THE AGENT, H. E. H. THE NIZAM'S STATE RAILWAY ; THE CHIEF MINING ENGINEER, RAILWAY BOARD ; AND THE CENTRAL PUBLICITY OFFICER, INDIAN STATE RAILWAYS.

DEAR SIR,

I am directed to address you on the Appropriation Accounts of Railways in India for 1930-31 and on the report of the Director of Railway Audit thereon.

While the Railway Board are confident that these have already been carefully studied by your administration in order to take necessary action to prevent in future the occurrence of irregularities similar to those noticed therein, they wish to communicate to you some general observations on them.

2. The Railway Board have noticed with concern the large number of instances in which an excess of expenditure over allotment is explained in the Appropriation Accounts as due to the absence of budget provision. They attach great importance to the principle that, except in cases of immediate urgency, no expenditure should be incurred without funds having been provided in the budget or found by reappropriation, and they trust that in future years such irregularities will not occur with any frequency.

3. The Board have been disappointed to note the large number of cases where provision has been made in the budget under wrong heads (paragraphs 59 and 64 of the Director of Railway Audit's report). A list is attached giving extracts from the Appropriation Accounts relating to your railway. The Board consider that these irregularities can be avoided altogether by the exercise of care in the preparation of the budget, and they expect that you will take such steps as are necessary to ensure that they do not occur in future.

4. Among the various irregularities that the Director of Railway Audit has brought to notice in his report, all of which deserve careful study, the Railway Board desire to mention a few to which they consider special attention might be profitably directed.

Paragraph 31. Delay in the preparation of the Appropriation Accounts.—The Railway Board regret to note the delay in the preparation of the Appropriation Accounts both for individual railways and for all railways as a whole and hope that steps have been taken to ensure greater punctuality in future.

Paragraph 48. Irregular reappropriations.—The Board desire to emphasise the importance of sanctioning reappropriations as and when necessary. You will no doubt agree that reappropriations, sanction to which is postponed till the end of the year, reflect on the adequacy of the arrangements for control of expenditure on the railway.

Section B, of Chapter V of the Report.

Paragraphs 94 and 96.—The Railway Board desire particularly to draw the attention of your internal check organisation to the remarks in these paragraphs. They concur with the Director of Railway Audit as to the necessity for close co-operation between accounts offices and executive offices and the desirability of carrying out a definite programme of accounts inspections. They are also in full agreement with him that the duties of the Chief Accounts Officer of a railway should not be confined merely to the business of accounting and internal check, but that he should, as the financial adviser of the railway, devote special attention to a general examination of the finances of the railway in order to be in a position to make suggestions for reduction of expenditure or for increase of revenue.

Paragraph 95 (e) (2).—The Board consider that it cannot be too strongly impressed on accounts officers that certificates, such as those referred to in connection with suspense balances, should never be treated as a mere matter of routine.

Section C.

Paragraphs 100 and 103.—The advantages of periodical inspection, particularly an occasional surprise inspection, should be impressed on accounts and administrative officers.

Section D.

Paragraphs 104 et seq.—The Board trust that the instructions contained in their letter No. 6254-F. of 17th July, 1930, have put an effective stop to this type of irregularity and that no cases of the sort will find a place in the Director of Railway Audit's report for 1931-32.

Sections E, F and G.

Paragraphs 108 to 116.—The Railway Board desire to draw the special attention of railway administrations to these sections of the Director of Railway Audit's report. They wish to emphasise the necessity.

- (i) of settling, before a work actually let out on contract is commenced, the terms on which it is let, and of expressing these in the form of a contract drawn up where necessary on legal advice ;
- (ii) if and when necessity arises to modify such terms, of reducing these modifications to writing in proper form ; and
- (iii) of scrutinising most carefully in consultation with the financial adviser of the administration any payments which are not admissible on a strict interpretation of the terms of the contract before such payments are sanctioned. Your attention is invited to the principles enunciated in Government of India, Finance Department Resolution No. F. 22-XII-Ex.-II/27 of 12th August, 1929, a copy of which was forwarded with this office endorsement No. 2692-S., dated the 25th September, 1929. The Railway Board expect to issue very shortly in elaboration of these principles, definite rules dealing with the preparation of contracts.

Chapter VI.

Paragraphs 124—136.—The Railway Board are aware that the reduction of stores balances is a question which is always exercising railway administrations at present. They need not, therefore, say more on this point than express their full agreement with the Director of Railway Audit as to the necessity for special vigilance on the part of purchasing officers. They trust that all railway administrations are restricting purchases to urgent requirements and with due regard to existing stocks. Even though the article required is not in stock, the possibility of using a substitute, which is in stock, as far as practicable must not be lost sight of.

Chapter VII.

Section A. Paragraphs 144 and 145.—The Railway Board regret to notice the large number of cases in which the extent of variation between estimates and actuals is high and hope that you have taken steps to improve estimating.

Section D.—The large number of cases reported in which inordinate delays have occurred in settlements between railways is also a matter of grave concern. They are writing separately to individual railways with regard to particular cases where

delays have been most marked, but, while they do not wish to minimise the difficulties that may in practice tend to delay the drafting of a final agreement, they wish here to emphasise the necessity of a railway administration taking all possible steps to see that such delay is reduced to a minimum.

Yours faithfully,

T. S. SANKARA,

Director, Railway Board.

No. 1728-B., DATED THE 29TH AUGUST, 1932.

Copy forwarded for information to the Chief Accounts Officers, East Indian, Eastern Bengal, Great Indian Peninsula, North Western and Burma Railways; the Director, Railway Clearing Accounts Office; the Controller of Railway Accounts; and the Director of Railway Audit.

By order,

T. S. SANKARA,

Director, Railway Board.

PRESENT POSITION OF CUSTOMS, INCOME-TAX AND POSTAL REVENUES.

348. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) whether the customs revenue has shown some signs of revival of late ;
- (b) to what extent the proceeds from Income-tax revenue have fulfilled the expectations of the Finance Department ; and
- (c) whether it is a fact that the postal revenue has of late unusually gone down ?

The Honourable Sir Alan Parsons : (a), (b) and (c). The Customs returns are now somewhat better than the budget forecast and the postal figures are worse although still higher than the corresponding figures for 1931-32. The income-tax figures show no material variation, but it is far too early at present to attempt to arrive at any exact estimate.

DEOLI DETENTION CAMP.

349. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) the cost per head per month on a detenu detained at the Deoli Detention Camp ;
- (b) the number of detenus that are at the present moment detained at Deoli ;
- (c) the establishment costs of the Deoli Detention Camp in a month ; and
- (d) the initial expenses incurred prior to the starting of the Detention Camp ?

The Honourable Mr. H. G. Haig : (a), (c) and (d). The whole cost of the Deoli Camp Jail is being borne by the Government of Bengal, and I have not, therefore, accurate information on these parts of the Honourable Member's question.

(b) Ninety-two.

REPORT OF THE ORISSA BOUNDARY COMMISSION.

350. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) what resolution the Government of India have passed on the Orissa Boundary Commission's Report ; and
- (b) the names of associations and local bodies that have represented to Government for the separate province scheme ?

The Honourable Sir C. P. Ramaswami Aiyar : (a) The Government of India have passed no resolution on the report, which is still under their consideration.

(b) Omitting notices of resolutions passed at public meetings the Government of India have received during the current year representations from five public associations favouring the separation of Orissa.

SIND SEPARATION COMMITTEE.

351. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) the recommendations of the Sind Separation Committee ;
- (b) the resolutions of the Government of India thereon ; and
- (c) the names of associations and bodies that have addressed the Government either supporting or opposing the separation scheme ?

The Honourable Sir C. P. Ramaswami Aiyar : (a) The Honourable Member is referred to the report itself, a copy of which has been supplied to him.

(b) The Government of India have passed no resolution on the report, which is still under their consideration.

(c) Government have received during the current year copies of resolutions passed by a number of public meetings in Sind and by the Sind Azad Committee in favour of separation and by the Sind Anti-Separation Conference against its separation.

INDIANS RESIDENT, AND APPOINTMENT OF AN INDIAN TRADE COMMISSIONER, IN JAPAN.

352. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) the approximate number of Indians that are staying in Japan engaged either in business or service at the present moment ;
- (b) the number of the different communities into which the Indians residing in Japan fall ;
- (c) the name of the particular community to which the largest number of Indians residing in Japan belong ;
- (d) the British official who advances the business interests of Indians in particular in Japan ; and

- (e) whether the appointment of an Indian Trade Commissioner as posted in London and Hamburg has sometimes been insisted upon for better safeguarding of Indian commercial interests in Japan ?

Mr. H. A. F. Metcalfe : (a) Approximately 279 Indians are residing in Japan.

(b) They are composed of Hindus, Moslems and Parsees.

(c) Hindus predominate.

(d) His Britannic Majesty's Consuls, Tokio, Yokohama, Osaka and Kobe are chiefly connected with Indian business interests.

(e) The Government of India received a suggestion from the Indian Merchants' Chamber, Bombay, in February, 1931, regarding the appointment of an Indian Trade Commissioner in Japan. The Chamber was informed in reply that since further progress even with the sanctioned scheme for the appointment of such officers had been postponed owing to financial stringency, the question of extending the scheme so as to include additional posts could not be considered.

INDIANS AND EUROPEANS RETRENCHED FROM SUPERIOR ENGINEERING SERVICE ON THE EAST INDIAN AND EASTERN BENGAL RAILWAYS.

353. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) the number of Indians (excluding statutory Indians) that have been discharged from service from the superior Engineering services on account of retrenchment on (1) the East India Railway, and (2) the Eastern Bengal Railway ; and
- (b) the number of Europeans that have been discharged from the Superior Engineering Services on (1) the East Indian Railway, and (2) the Eastern Bengal Railway, for the same reason in 1931 and 1932 ?

Mr. P. R. Rau : (a) and (b). No permanent members of the Superior Engineering Services have been discharged. As regards temporary Engineers, the numbers discharged on account of retrenchment are as follows :

East Indian Railway.

Indians	..	..	..	..	9
Statutory Indians	..	..	..	..	2
Europeans	..	..	..	..	Nil.

Eastern Bengal Railway.

Indians	..	..	..	..	1
Statutory Indians	..	..	..	..	3
Europeans	..	..	..	..	2

RESTRICTIONS IN BURMA AND BENGAL FOR GERMAN AUTOMATIC REPEATENT ALARM PISTOLS.

†354. ***Pandit Satyendra Nath Sen** : (a) Are Government aware that A. H. & Co. post Box 5001, Bombay Post No. 9 have advertised in the *Zamindar* of Lahore in its issue dated 31st July 1932 that they have for sale genuine German automatic repeatent alarm pistols for which no licence is required in the whole of India with the exception of Burma and Bengal ?

(b) Will Government be pleased to state why restrictions have been imposed by the Governments of Burma and Bengal ? Are Government prepared to remove the said restrictions forthwith ? If not, why not ?

LICENCE FOR TELL AND DIANA BRAND GERMAN AIR PISTOLS IN BENGAL.

†355. ***Pandit Satyendra Nath Sen** : (a) Will Government be pleased to state why Tell and Diana brand German air pistols require licence in Bengal while they are exempt from the operation of the Arms Act in Bombay, P'unjab and some other provinces ?

(b) Are Government prepared to remove these restrictions for Bengal ? If not, why not ?

PROSECUTIONS UNDER THE CHILD MARRIAGE RESTRAINT ACT.

356. ***Pandit Satyendra Nath Sen** : (a) Will Government please state how many prosecutions there have been in connection with the Child Marriage Restraint Act in the different provinces of India ?

(b) How many of those have ended in conviction ; how many with imprisonment ; how many with fine ; and how many with both ?

The Honourable Mr. H. G. Haig : (a) and (b). The information at present available shows that there have been 33 prosecutions. Fifteen cases ended in conviction. In two cases simple imprisonment was awarded, in one of which the Local Government remitted the sentence. In 10 cases fines were imposed. Three cases were dealt with under section 562 of the Code of Criminal Procedure. In no case was a sentence of fine and imprisonment awarded. I am taking steps to obtain complete figures and the result will be communicated to the House in due course.

Pandit Satyendra Nath Sen : May I know the maximum amount of fine imposed in these cases ?

The Honourable Mr. H. G. Haig : My information does not extend to that.

RELEASE OF ORDINARY CRIMINALS TO MAKE ROOM FOR POLITICAL PRISONERS IN JAIL.

357. ***Pandit Satyendra Nath Sen** : Is it a fact that ordinary criminals are often being released prematurely in order to make room for political prisoners ? If so, will Government please state the reason for this ?

The Honourable Mr. H. G. Haig : I would refer the Honourable Member to the reply given by me to Mr. Lalchand Navalrai's starred question No. 105.

†For answer to this question, see answer to question No. 214.

DUMPING OF INDIAN MARKET BY CHEAP JAPANESE GOODS.

358. ***Mr. S. C. Mitra** (on behalf of Mr. A. Das) : (a) Has the attention of Government been directed to the letter of the Delhi Piecegoods' Association published in the *Leader* of 22nd July, 1932 regarding Indian markets being dumped by cheap Japanese goods ?

(b) What action do Government propose to take to protect the interest of Indian mills ?

The Honourable Sir C. P. Ramaswami Aiyar : (a) Yes.

(b) The attention of the Honourable Member is invited to the Government of India, Commerce Department Resolution No. 341-T. (164), dated the 30th August, 1932, and to the Notification bearing the same number and date imposing additional duties on cotton piece-goods. This Resolution and Notification were published in a Gazette of India Extraordinary on the 30th August.

ANNUAL RELIEFS OF BRITISH TROOPS.

359. ***Mr. S. C. Mitra** (on behalf of Mr. A. Das) : (a) What is the annual cost to the Government of India in the Military Department of the annual reliefs of British troops from England to India and from India to out of India which includes Burma and Egypt ?

(b) Does the Military Department propose to consider the advisability of ordering that there are to be no reliefs from India or the moving of British and Indian regiments in India till such time as the financial crisis has passed away ?

Mr. G. R. F. Tottenham : (a) A little over 63 lakhs.

(b) The matter has already received careful consideration. It must be remembered that India is only a link in the chain of Imperial reliefs and that the decision does not therefore rest with the Government of India. The authorities at home have, however, decided on financial grounds gradually to extend the term of service of a British battalion abroad, from 18 to 21 years ; and the result is that there will be a small decrease in the numbers of battalions entering and leaving India every second year.

AERODROME AT SITAPUR.

360. ***Mr. S. C. Mitra** (on behalf of Mr. A. Das) : (a) Did the Military Department not long ago decide to have an aerodrome at Sitapur and for this purpose acquire villages and a very large area of land ?

(b) What was the cost of this acquisition of land ?

(c) What was the cost of the aerodrome ?

(d) Is it a fact that after all this expenditure of Government money two mounted Transport Corps have been stationed at Sitapur and for that purpose the barracks have been remodelled for the motor transport and bridges constructed for practice ? What has been the total cost of this ?

Mr. G. R. F. Tottenham : There has been no recent decision to have an aerodrome at Sitapur. Some time before the war, in about 1913, there was a scheme for the formation of a Central Flying School

at that station : but whether any money was ever spent on the execution of that project I have not been able to discover. A reference has been made to the local military authorities and a further reply to the questions will be laid on the table in due course.

WITHDRAWALS FROM THE GENERAL PROVIDENT FUND FOR INVESTMENT IN STERLING INSURANCE POLICIES.

361. ***Mr. S. C. Mitra** (on behalf of Mr. A. Das) : (a) With reference to the reply to starred question No. 81, dated the 3rd February, 1932, will Government please state what amount of money from the Provident Fund of officers has been paid for single sterling policies (i.e., one single payment to get at the present time a policy in pounds sterling) ?

The Honourable Sir Alan Parsons : A statement containing the information promised by the Honourable Sir George Schuster in the Legislative Assembly on the 1st February, 1932, in reply to part (a) (i) of the starred question No. 81, was laid on the table on the 6th September, 1932.

SPECIAL TRAIN FOR CIVILIAN CLERKS BETWEEN SUMMER HILL AND SIMLA.

362. ***Mr. Bhuput Sing** : (a) Is it a fact that the European quarters in Simla have been reclassified as quarters for staff " living in European style " and " living in Indian style " ?

(b) Is it a fact that since that change a large number of staff of the Government of India Civil Secretariats are being allotted quarters in Summer Hill ?

(c) Is it a fact that hitherto these quarters were being occupied mostly by the Army Headquarters staff ?

(d) Is it a fact that a special train is being run from Summer Hill to Simla for the convenience of the Army Headquarters staff living in Summer Hill ?

(e) Are Government aware that this train starts from Summer Hill at about 9-15 in the morning and returns from Simla at 4-36 in the evening to suit the office hours of the Army Headquarters which are from 10 A.M. to 4 P.M. ?

(f) Are Government aware that the office hours of the Civil Secretariats and the Attached Offices are from 10-30 A.M. to 4-30 P.M. ?

(g) If so, do Government propose to change the office hours of the Army Headquarters to be in line with all the other Secretariat Departments and Attached Offices of the Government of India ? If not, why not ?

(h) Are Government aware that by changing the office hours for Army Headquarters the time of the special train may be adjusted in such a way that the said special train may carry all the tenants of the Summer Hill quarters belonging both to Army Headquarters and other Civil Offices ? If so, are Government prepared to do so ? If not, do Government propose to arrange for another special train between Summer Hill and Simla with a suitable timing for the convenience of the staff of the Civil Secretariats and other Attached Offices of the Government of India living in Summer Hill quarters ? If not, why not ?

(i) Are Government aware that this sort of special treatment to one class of Government servants is causing great discontent amongst the different classes of Government employees living in Summer Hill quarters ?

The Honourable Sir Frank Noyce : (a) The position is that the quarters which were previously known as quarters for European and Indian clerks in Simla have been reclassified respectively as quarters for clerks who live in European style and for those who live in Indian style.

(b) A number of such clerks have been allotted quarters there. I would not call it a large number.

(c), (d) and (e). The replies are in the affirmative.

(f) Yes, except that in the Army Department the hours are from 10 A.M. to 4 P.M.

(g) and (h). It is not proposed to change the existing hours for Army Headquarters as these hours are considered more suitable for the general body of assistants and clerks employed in that Department. Nor is it proposed to arrange to start a special train for the convenience of the clerks employed in other offices, as the number of such men who live in Summer Hill is not large, and as it is within the discretion of the various Departments to allow such of their clerks as may reside at Summer Hill and who arrive in office by 9-45 A.M. to leave office at 4 P.M. to take advantage of the special train which is run for the Army Headquarters staff.

(i) The answer is in the negative.

COMBINATION SCHEME OF PROVIDENT FUND AND PENSION FOR GOVERNMENT SERVANTS.

363. ***Mr. Bhuput Sing :** (a) Is it a fact that in reply to the arguments of the mover of the resolution regarding gratuities to the families of Government servants moved in the Council of State on the 3rd March, 1932, the Government Member stated that Government have prepared a combination scheme of provident fund and pension and could bring it into force for their servants but they have decided to consult local Governments if they also wish to join ? If so, will Government be pleased to state whether Local Governments have been consulted and if so, whether replies have been received from them ?

(b) Are Government aware that this question has been under the consideration of the Government of India since 1924 ? Will they be pleased to state how much more time they require to come to a final decision in the matter ?

(c) Do Government propose to expedite the matter ; and, if so, will they state by what time approximately they would come to a decision ?

(d) If the opinions of the local Governments in the matter are divided, do they propose to bring into force the combination scheme immediately for the Government of India servants ? If not, why not ?

The Honourable Sir Alan Parsons : (a) Yes. We have not yet received the replies of Provincial Governments.

(b) and (c). I think it should be possible to come to a decision fairly soon after the replies of Provincial Governments are received.

(d) I am afraid I cannot answer this hypothetical question.

MOPLAHS CONVICTED DURING THE MALABAR REBELLION IN 1921.

364. ***Mr. M. Maswood Ahmad** : (a) How many Moplahs, who have been convicted of offences connected with the Malabar Rebellion 1921, are suffering imprisonment ?

(b) How many of them are in the jails in Madras Province and how many of them are in the jails outside Madras ?

(c) How many of them have been transported ?

(d) Did the release of such prisoners in the past few years disturb the peace of the district concerned ?

The Honourable Mr. H. G. Haig : (a) All these prisoners, except about 335, have now either been released or are under orders of release.

(b) and (c). The information is being collected and I will lay a statement on the table in due course.

(d) The releases have so far had no bad effect on the peace of the district concerned.

NUMBER OF MOPLAHS WANTED BY POLICE AND DETAINED UNDER DIFFERENT LAWS.

365. ***Mr. M. Maswood Ahmad** : (a) What is the number of those Moplahs who are even now wanted by the Police under the State Regulation III and Moplah Outrages Act and in connection with the Malabar Rebellion 1921 ?

(b) How many Moplahs have been detained under State Regulation III and Moplah Outrages Act ?

The Honourable Mr. H. G. Haig : The information in my possession is that 73 Moplahs implicated in the Malabar Rebellion of 1921 are now restricted under the Madras State Prisoners Regulation, II of 1819, as against 245 originally under restraint. Three are in jail, and the remainder are at large under police surveillance. The latest information I have shows that only one Moplah implicated in the Malabar Rebellion of 1921 is under restraint under the Moplah Outrages Act. No Moplahs have been detained under Regulation III of 1818.

GENERAL AMNESTY FOR MOPLAH PRISONERS OF THE MALABAR REBELLION OF 1921.

366. ***Mr. M. Maswood Ahmad** : (a) Have Government received appeals for mercy on behalf of the Moplahs who are still suffering imprisonment in connection with the Malabar rebellion 1921 ?

(b) Are Government considering the question of granting a general amnesty, to release the Moplahs who are still suffering in that connection and to permit the detained Moplahs to return to their homes ?

The Honourable Mr. H. G. Haig : The Government of India have received no recent appeals from or on behalf of these prisoners ; but the Local Government are following a liberal policy of removing restraint wherever possible. Those released are at liberty to return to their homes if they so desire.

INCONVENIENT TIMINGS OF PASSENGER TRAINS BETWEEN MEERUT AND LUCKNOW.

367. *Khan Bahadur Haji Wajihuddin : Are Government aware that passengers by every train between Meerut and Lucknow are suffering great inconvenience and waste of time by halting for several hours at both the changing junctions, viz., Hapur and Muradabad, for want of connecting trains there ? If so, are Government prepared to remove the grievances forthwith ?

Mr. P. R. Rau : Government recognise that the connections at Hapur and Moradabad are not quite convenient for passengers travelling between Meerut City and Lucknow. I am bringing the Honourable Member's question to the notice of the Agent, East Indian Railway, for such action as he may consider it possible to take to remove the inconvenience experienced.

AMOUNT SPENT ON AND PERSONNEL OF THE FRANCHISE, CONSULTATIVE AND RETRENCHMENT COMMITTEES.

368. *Khan Bahadur Haji Wajihuddin : Will Government be pleased to lay on the table a statement showing total amounts spent on the Franchise and Consultative Committees and also various Retrenchment Committees respectively with the names of the members of each of the said committees, constituencies each of them represented, and the amount of travelling and daily allowances drawn by each member ?

The Honourable Sir Alan Parsons : I lay on the table a statement showing the total amounts spent up to 31st July, 1932, on these Committees, with the names of the members of each. The collection and tabulation of the amounts of travelling and daily allowances drawn by each member of the Committees would involve an unjustifiable expenditure of time and labour.

Statement showing total amounts spent on the Franchise, and Consultative Committees and the various Retrenchment Committees.

(i) Franchise Committee	£17,500
(ii) Consultative Committee	Rs. 50,300
(iii) Various Retrenchment Committees	Rs. 1,74,064

(It is not possible to give the figures for the various Retrenchment Sub-Committees separately.)

Statement showing the names of the members of the Franchise and Consultative Committees and the various Retrenchment Committees.

INDIAN FRANCHISE COMMITTEE.

The Marquess of Lothian, C.H., Parliamentary Under Secretary of State for India, Chairman.

Sir John Kerr, K.C.S.I., K.C.I.E., Deputy Chairman.

Dr. B. R. Ambedkar, M.L.C.

Khan Bahadur Maulvi Aziz-ul-Haque, M.L.C.

Mr. R. R. Bakhale, M.L.C.

Sir Ernest Bennett, M.P.

Mr. R. A. Butler, M.P.

Mr. C. Y. Chintamani, M.L.C.

The Marquess of Dufferin and Ava.

The Honourable Mr. E. Miller.

Major J. Milner, M.C., M.P.

Diwan Bahadur A. Ramaswami Mudaliyar, M.L.A.

The Honourable Mary Pickford, C.B.E., M.P.

Mrs. P. Subbarayan.

Sardar Bahadur Sir Sundar Singh Majithia, Kt., C.I.E.

Mr. S. B. Tambe.

Sir Mohammad Yakub, Kt., M.L.A.

Sir Zuñfiqar Ali Khan, Kt., O.S.I., M.L.A.

CONSULTATIVE COMMITTEE.

(Indian States.)

The Raja of Sarila.

Rao Bahadur V. T. Krishnama Chari, C.I.E.

Nawab Liaqat Hayat Khan, O.B.E.

Sir Manubhai Nandshankar Mehta, Kt., O.S.I.

Nawab Sir Muhammad Akbar Hydari, Kt.

Sir Mirza Muhammad Ismail, Kt., C.I.E., O.B.E.

(British India.)

Mr. E. C. Benthall, M.L.C.

Mr. A. H. Ghuznavi, M.L.A.

*Mr. M. R. Jaykar.

*Mr. N. M. Joshi, M.L.A.

Dr. B. S. Moonje.

Rao Bahadur Sir Annepu Parasuramadas Patro, Kt.

†Sir C. P. Ramaswami Aiyar, K.C.I.E.

*Sir Tej Bahadur Sapru, K.C.S.I.

Dr. Shafaat Ahmad Khan, M.L.C.

Capt. Sher Muhammad Khan, M.B.E., M.L.A.

M. R. Ry. Rao Bahadur Srinivasan.

*Sardar Saheb Sardar Ujjal Singh, M.L.C.

†Mr. Zafarullah Khan.

Names.

Army Sub-Committee.

1. Diwan Bahadur T. Rangachariar, C.I.E., M.L.A. (Chairman).

2. The Honourable Major Nawab Sir Mohammad Akbar Khan, C.I.E.

3. The Honourable Sardar Bahadur Shivdev Singh Uberoi.

4. Maulvi Sir Mohammad Yakub, M.L.A.

5. Diwan Bahadur A. Ramaswami Mudaliar, M.L.A.

6. Mr. E. C. Benthall.

7. Mr. F. C. Bovenschen, C.B.

Mr. A. F. L. Brayne, C.I.E., I.C.S. (Secretary).

*Since resigned.

†Now officiating as Members of the Governor General's Executive Council.

Railways Sub-Committee.

1. Mr. R. K. Shanmukham Chetty, M.L.A. (Chairman).
 2. The Honourable Khan Bahadur Hafiz Mohammad Halim.
 3. Dr. Ziauddin Ahmad, C.I.E., M.L.A.
 4. Mr. N. M. Joshi, M.L.A.
 5. Mr. N. R. Sarkar.
 6. Mr. E. F. Sykes, M.L.A.
 7. Mr. Balaram Ayar.
- Mr. P. R. Rau (Secretary).

Posts and Telegraphs Sub-Committee.

1. Sir Cowasjee Jehangir, K.C.I.E., O.B.E., M.L.A. (Chairman).
 2. The Honourable Mr. B. K. Basu.
 3. Mr. Amar Nath Dutt, M.L.A.
 4. Mr. Muhammad Yamin Khan, C.I.E., M.L.A.
 5. Mr. F. C. Anesley.
 6. Mr. N. V. Raghavan.
- Mr. S. P. Varma (Secretary).

Stores Department (Stationery and Printing).

1. The Honourable Mr. G. A. Natesan (Chairman).
 2. Mr. S. C. Lyttelton.
 3. Mr. B. Dass, M.L.A.
 4. Mr. A. H. Ghuznavi, M.L.A.
 5. Mr. Jagannath Agarwal, M.L.A.
- Mr. V. K. Aravamudha Ayangar, C.I.E. (Secretary).

General Purposes Sub-Committee.

1. Sir Abdur Rahim, K.C.S.I., Kt., M.L.A. (Chairman).
 2. The Honourable Lala Ram Saran Das, C.I.E.
 3. Mr. Rangaswamy Ayangar.
 4. Mr. S. C. Mitra, M.L.A.
 5. Mian Mohd. Shah Nawaz, C.I.E., M.L.A.
 6. Mr. K. C. Roy, C.I.E., M.L.A. (Died on 7th September, 1931).
 7. Rai Sahib Harbilas Sarda, M.L.A.
 8. Mr. Ramsay Scott, M.L.A.
 9. Khan Bahadur Hafiz Walayat Ullah, I.S.O., M.L.A.
 10. An officer of the Finance Department.
- Mr. S. P. Shah, I.C.S. (Secretary).

Public Works Accounts and Audit Sub-Committee.

1. Mr. K. C. Neogy, M.L.A. (Chairman).
 2. The Honourable Mr. Hussain Imam.
 3. Mr. G. Morgan, C.I.E., M.L.A.
 4. Diwan Bahadur R. N. Arogiaswamy Mudaliar.
 5. Rai Bahadur Bishan Sarup.
- Mr. C. V. S. Rao (Secretary).

RECOMMENDATIONS OF THE RETRENCHMENT COMMITTEES AND THE AMOUNT AGREED TO BY GOVERNMENT FOR RETRENCHMENT.

369. ***Khan Bahadur Haji Wajihuddin** : Will Government be pleased to lay on the table a statement showing the amounts of retrenchment recommended by various retrenchment committees and the amounts of retrenchment agreed to by Government in each Department respectively ?

The Honourable Sir Alan Parsons : Statements have already been laid on the table. I would refer the Honourable Member to the papers circulated with the current year's budget and the statements which the Financial Commissioner of Railways laid on the table on the 4th November, 1931, and 25th February, 1932.

DEPUTY POSTMASTER GENERAL AND OTHER STAFF IN THE BIHAR AND ORISSA AND THE CENTRAL PROVINCES POSTAL CIRCLES.

370. ***Mr. S. C. Mitra** : (a) Will Government be pleased to state how many Departmental Telegraph Officers there are in the Bihar and Orissa and Central Provinces ?

(b) How many officers, Telegraph Masters, Telegraphists and other subordinates are there in each of these circles ?

(c) Will Government please state what is the justification for retaining one Deputy Postmaster-General in each of these two circles ?

Mr. T. Ryan : (a) I presume that the word ' Officers ' is a misprint, for ' Office '. There are three Departmental Telegraph Offices in the Bihar and Orissa Circle and six in the Central Circle.

(b) In the Bihar and Orissa Circle there are 2 gazetted officers, 7 Telegraph Masters, 67 Telegraphists and 53 other subordinates.

In the Central Circle there are 6 gazetted officers, 13 Telegraph Masters, 145 Telegraphists and 125 other subordinates.

(c) The posts of Deputy Postmasters General, Telegraph Traffic, in these two Circles have been abolished.

TRANSFER OF HEAD CLERKS TO SUPERINTENDENTS OF POST OFFICES AND INSPECTORS TO SELECTION GRADE POSTS IN THE GENERAL LINE.

371. ***Mr. S. C. Mitra** : (a) Is it a fact that Inspectors and Head Clerks to Superintendents of Post Offices and Inspectors R. M. S. are treated as a class of officials different from the selection grade officials drawing pay of Rs. 160—250 according to the Director-General's recent orders ?

(b) Is it a fact that during the last few months several Head Clerks to Superintendents of Post Offices or Inspectors have been transferred to selection grade posts drawing the same pay ?

(c) If the reply to part (b) is in the affirmative, will Government please state why they have been transferred to the general line ? Has this resulted in a block of promotion from the ordinary line ?

(d) Do Government propose to arrange to transfer these men to the Inspectors' line as soon as vacancies arise both due to leave and retirement ? If not, why not ?

Mr. T. Ryan : (a) The fact is substantially as stated by the Honourable Member.

(b), (c) and (d). Government have no precise information, but if any official considers that his prospects of promotion have been prejudiced by such transfers it is open to him to represent his case through the proper official channel.

STAFF OF DIFFERENT CLASSES IN CERTAIN DIVISIONS OF THE RAILWAY MAIL SERVICE.

372. ***Mr. S. C. Mitra :** (a) Will Government please furnish a statement showing the total number of staff belonging to different classes in each of the following Divisions of Railway Mail Service :—(1) C.-Division, (2) P.-Division, (3) K.-Division, (4) J.-Division, (5) B.-Division, (6) O.-Division and (7) S.-Division ?

(b) Is it a fact that N.-Division has since been added to C.-Division resulting in reduction in expenditure, and if so, do Government propose to take necessary action to abolish similar divisions of Railway Mail Service ? If not, why not ?

Mr. T. Ryan : (a) Government regret that they are unable to furnish the statement called for as the time and labour involved in its compilation could not be justified.

(b) The reply to the first part of the question is in the affirmative ; as regards the second part, Departmental enquiries are in progress with a view to securing all possible economies in the Railway Mail Service.

C. AND P. DIVISIONS OF THE RAILWAY MAIL SERVICE.

373. ***Mr. S. C. Mitra :** (a) Is it a fact that the Railway Mail Service C.-Division, whose headquarter is at Calcutta, and P.-Division, whose headquarter is at Benares, have been placed under the control of the Postmaster General, Bihar and Orissa Circle ?

(b) If so, will Government please state what is the reason for placing these two divisions under the control of the Postmaster General, Bihar and Orissa Circle ?

(c) How many clerks, sorters and other officials are attached to the Head Record Offices of Howrah and Benares ?

(d) What was the total amount expended for travelling allowances in visiting headquarters of the old N.-Division and P.-Division during the last year ?

(e) Do Government propose to place the C.-Division under the control of the Postmaster-General, Bengal and Assam and the P.-Division under the control of the Postmaster-General, United Provinces Circles to avoid travelling expenses ?

Mr. T. Ryan : (a) and (b). The fact is that formerly the P. Division with headquarters at Benares and N. Division with headquarters at Calcutta were under the control of the Postmaster-General, Bihar and Orissa, and C. Division with headquarters at Howrah was under the Postmaster-General, Bengal and Assam. On administrative grounds and as a measure of economy, N. Division has recently been amalgamated with C. Division. The headquarters of the combined division has been

retained at Howrah, but it has been placed under the control of the Postmaster-General, Bihar and Orissa, as the area served lies mostly within the jurisdiction of that officer. P. Division continues to remain under the Postmaster-General, Bihar and Orissa, but it has been decided to transfer its headquarters from Benares to Patna to avoid extra expenditure in supervision.

(c) 328 in all.

(d) Rs. 577-3-0.

(e) In view of the reply to parts (a) and (b) above, Government do not propose to make any change.

SELECTION GRADE POSTS IN POST OFFICES IN BENGAL AND ASSAM.

374. ***Mr. S. C. Mitra :** (a) Will Government please state if it is a fact that selection grade posts in Post Offices in Bengal and Assam Circle were kept unfilled for some years while selection grade posts were promptly filled in the offices of the Postmaster-General, Bengal and Assam Circle ?

(b) If so what is the reason for it ?

(c) What is the percentage of selection grade posts in the office of the Postmaster-General in Bengal and Assam Circle and what is the percentage in Post Offices ?

(d) Is it a fact that while some selection grade officials of Superintendent's Offices and in the office of the Postmaster-General, Bengal and Assam have been allowed extension, a selection grade official has been transferred by the Post Office to fill up a vacancy there ? If so why ?

Mr. T. Ryan : (a), (b) and (d). Government have no information, but if any person connected with the Department considers that his legitimate interests have been prejudiced in the way that the Honourable Member suggests, it is open to him to represent his case through the proper official channel.

(c) The percentages are 18.8 for the Postmaster-General's Office and 6.02 for Post Offices.

CORNWALLIS STREET TOWN SUB-POST OFFICE, CALCUTTA.

375. ***Mr. S. C. Mitra :** (a) Is it a fact that the Cornwallis Street no-delivery T. S. O. of Calcutta is opened at 7 A.M. in the morning ? Is it also a fact that it is very near to Barabazar and Beadon Street delivery Post Offices ?

(b) What is the average sale of postage stamps in the morning before 10 A.M. and how many registered articles are booked at that time ?

(c) Who remains in charge in the morning and what is his pay ?

(d) Is the work sufficient to keep the office open in the morning ? If not, why is the office kept open in the morning ? Why is no other no-delivery post office kept open from 7 A.M.

Mr. T. Ryan : (a) The reply to the first part of the question is in the affirmative. The Beadon Street and Barabazar post offices are each about a mile from the Cornwallis Street post office.

(b) Rs. 15 during the slack season and Rs. 50 during the remainder of the year. 60 registered articles on an average.

(c) The senior clerk, designated Head Clerk. The present incumbent is an official on Rs. 160 in the time-scale of Rs. 50—160.

(d) (i) Yes, in view of answer to part (b).

(ii) Does not arise.

(iii) Should there be any public demand for extending this arrangement to any other non-delivery town sub-offices it will no doubt be considered by the Postmaster-General, Bengal and Assam.

LOCATION OF POSTAL OFFICERS' ASSOCIATION IN A GOVERNMENT BUILDING IN CALCUTTA.

376. ***Mr. S. C. Mitra :** (a) Is it a fact that the Association of the Postal Officers is located at 1 Council House Street, Calcutta which is a Government Building ?

(b) If so, will Government be pleased to state whether any rent is paid by the Postal Officers' Association for the accommodation ?

(c) If the answer to part (b) be in the negative, will Government please state whether the Association has been allowed free accommodation there and whether Government allow free accommodation to other Postal or Telegraph Unions or Associations in post office premises ?

Mr. T. Ryan : (a) No.

(b) and (c). Do not arise, but I may say that the only Union or Association that has been given free accommodation in post office premises is the Calicut Branch of the all-India Postal and Railway Mail Service Union. The question of recovery of rent from that Branch has been taken up by the Postmaster-General, Madras.

INTEREST ON POST OFFICE SAVINGS BANK DEPOSITS.

377. ***Mr. S. C. Mitra :** (a) Is it a fact that the amount deposited in the Post Office Savings Bank of England is invested at the current rate of interest, which is higher than the interest paid to the depositors ?

(b) Is it a fact that the amount deposited in the Post Office Savings Bank of the Imperial Post Offices of India is taken over by Government and interest is paid at a fixed rate of 3 per cent. and not at the prevailing rate of interest for loans ?

(c) Will Government please state whether they have considered the question of adopting the principle followed in England and thus making a profit in the Postal Department by crediting the balance between the 3 per cent. paid to the depositors and the higher rate obtained by prevailing Government loans ?

The Honourable Sir Alan Parsons : (a) In England all monies deposited in the Post Office Savings Banks in excess of the sums withdrawn by depositors are paid over to the Commissioners for the Reduction of National Debt and invested by them in securities in their names to the credit of the Post Office Savings Banks Fund. When the interest accruing from such securities in any year is insufficient to meet the interest required to

be paid during the year to depositors and the expenses incurred during that year, the deficiency is made good out of monies provided by Parliament. Similarly when there is a surplus, the surplus is paid out of the Post Office Savings Banks Fund into the Exchequer.

(b) Yes.

(c) Savings Bank deposits are utilised by the Government of India for their general ways and means purposes and the benefit of the difference between the rate paid to depositors and the prevailing borrowing rate of the Government of India accrues to general revenues as in England. Both in India and in England the Post Office does this work merely as an agent and is paid for the work done. There is no question in either case, of their making a banking profit out of this business.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Alan Parsons (Finance Member): Sir, I lay

12 Noon. on the table the information promised in reply to starred questions Nos. 1025 and 1026 asked by Khan Baha-

dur Haji Wajihuddin on the 29th March, 1932.

NEW APPOINTMENTS IN THE INCOME-TAX DEPARTMENT IN THE PUNJAB, NORTH-WEST FRONTIER PROVINCE AND DELHI.

1025. No new appointments of Income-tax Officers were made in the Punjab North-West Frontier Province and Delhi. 28, 3 and 6 Assessing Officers were sanctioned for the Punjab, North-West Frontier Province and Delhi, respectively of which 27, 3 and 5, respectively have been filled by appointment of members (Inspector Accountants) of the existing staff who get an allowance of Rs. 25 per mensem for the additional responsibilities involved in addition to their substantive pay.

2. 25, 1 and 4 new appointments of Inspectors were sanctioned by the Government of India for the Punjab, North-West Frontier Province and Delhi, respectively. Out of 24 posts filled in the Punjab, 12 were made by departmental promotions and 12 by direct recruitment. Two posts were filled up by promotion of two Mohammadan officials already in the Department and 6 Mohammadans were directly recruited. In the Delhi Province out of 4 posts two have been filled up by Mohammadans directly recruited. In the North-West Frontier Province only one post was sanctioned and that was filled up by a Mohammadan by direct recruitment.

3. No, new appointments in the grade of Head Clerks and Head Assistants were sanctioned by the Government of India in connection with the lowering of the taxable limit.

4. 112, 9 and 20 appointments of Assistant Clerks were made in the Punjab, North-West Frontier Province and Delhi, respectively out of which 57, 9 and 7 were filled up by Mohammadans.

EMPLOYMENT OF MUSLIMS IN THE INCOME-TAX DEPARTMENT.

1026. Details of the number of temporary Assistant Clerks employed for surcharge and ordinary work and attached to Assessing Officers are as follows:

		No. of posts sanctioned for.			
		Surcharge.	Ordinary work.	Assessing officers.	Total.
Punjab ..	..	24	60	28	112
N.-W. F. Province		2	4	3	9
Delhi ..	..	7	13	..	20
		<u>33</u>	<u>77</u>	<u>31</u>	<u>141</u>

The total number of 141 posts were distributed as under :

Mohammedans	..	..	..	73 or 52 per cent.
Hindus	..	..	..	41 or 29 per cent.
Sikhs and Others	..	..	..	27 or 19 per cent.

2. Of the 33 clerks sanctioned for surcharge work only 17 were filled by Mohammedans. The distribution given above was made with reference to the total number of posts sanctioned and not by taking into account the purpose for which they were sanctioned. All the Assistant Clerks employed on surcharge work alone will be discharged by the end of March when the work for which they were engaged will be completed.

3. Does not arise.

The Honourable Mr. H. G. Haig (Home Member) : Sir, I lay on the table the further information promised in reply to starred question No. 412, asked by Mr. Lalchand Navalrai on the 17th February, 1932.

RE-EMPLOYMENT OF MEN RETRENCHED FROM OFFICES UNDER THE CENTRAL GOVERNMENT.

412. The Army and the Commerce Departments have issued no orders in regard to the re-employment of retrenched personnel. The former, however, have left the matter to be dealt with by the heads of Departments under their control.

2. The Education, Health and Lands, Foreign and Political Railway, Finance and Industries and Labour Departments have instructed Departments and offices under their control to give preference to retrenched personnel when filling vacancies. The Central Board of Revenue have asked Commissioners of Income-tax to give preference to the retrenched staff of Accounts Offices and in the case of the Commissioner of Income-tax, Bombay, to the retrenched staff of the Bombay Customs and Salt Departments also. There is no scope for the re-employment of retrenched staff in the Boards' other subordinate offices. In the case of the Military Finance Department, the question does not arise because the retrenchment of inefficient only was carried out in that Department.

Mr. H. A. F. Metcalfe (Foreign Secretary) : Sir, I lay on the table the information promised in reply to part (c) of starred question No. 961 asked by Rao Bahadur B. L. Patil, on the 29th March, 1932.

BRAZILIAN IMMIGRATION SCHEME.

961. (c) (i) The number of Indians now settled in Brazil is stated to be approximately 300. It is not however known how many of these are British Indians and how many Portuguese Indians.

(ii) No Indians occupy superior official posts in Brazil. Seven Indians are stated to be members of learned professions. Of these four are Doctors, all of whom are Portuguese subjects. Their names are as follows :

Dr. D. E. Pereira,
 Dr. V. Pereira,
 Dr. C. Pereira, and
 Dr. M. Figueredo.

The remaining three are engineers. Two of whom are British Indian subjects belonging to the North-West Frontier Province and one is a Portuguese subject. The names of these three gentlemen are not known.

(iii) No official scheme is in existence for the encouragement of immigration into Brazil by the Brazilian Government.

(iv) No restrictions upon Indian settlers in Brazil are enforced on religious grounds. A decree was published by the Brazilian Government on the 25th August, 1931, providing that in any firm established in Brazil at least two-thirds of the employees must be Brazilian citizens. Article II of the same decree provides however that for the purposes of this decree a person shall be regarded as a Brazilian citizen if he has resided for ten years in Brazil and has Brazilian children or, for a period of five years from the date of the decree, if he has resided for the period of ten years mentioned above, but has not got Brazilian children. Apart from this no restrictions are enforced on professional grounds.

Mr. P. R. Rau (Financial Commissioner, Railway) : Sir, I lay on the table the information promised in reply to :

- (i) starred questions Nos. 229, 233, 235, 236, 237, 238, 240, 244, 245, 246, 249, and 250,
- (ii) starred questions Nos. 473, 474 and 475,
- (iii) starred questions Nos. 778, 779, 780 and 782.
- (iv) starred questions Nos. 843, 844, 845, 847, 848, and 850, and
- (v) starred questions Nos. 884 and 885.

DESIGNATION OF TICKET CHECKERS ON THE EAST INDIAN RAILWAY.

229. (a) The designation " Travelling Ticket Examiner " was adopted in place of Travelling Ticket Inspector as it was considered more in keeping with the work done under the present system.

(b) Yes, to a certain extent.

(c) I would invite attention to the reply to part (g) of question No. 1125. They were never known as Travelling Ticket Checkers.

(d) The answer to the first part is " owing to exigencies of the service ". The posts of Travelling Ticket Inspectors were abolished on the introduction of the present scheme which came into force from 1st June, 1931.

ALLOWANCES OF GUARDS AND TICKET EXAMINERS.

233. (a) The following are some of the privileges granted to a Guard and not to a Travelling Ticket Examiner :

- (i) Sunday and holiday allowance :
 - (ii) Mileage allowance ; and
 - (iii) Under rest.
- (b) No.

(c) Under their conditions of service. Their pay represents a fixed element of their remuneration while mileage is an addition to their pay, its amount varying according to the work performed by them.

(d) This question does not arise as Travelling Ticket Examiners are not Running Staff.

(e) No, a Ticket Collector on Rs. 32 was paid 12 annas when out of his headquarters station and remained away for over 8 hours at a stretch whereas a Travelling Ticket Examiner on Rs. 95 is paid a Consolidated Allowance of Rs. 17-8-0 per mensem after 12½ per cent. cut irrespective of whether he goes out of his headquarters on the line or not provided he is on duty and not on leave.

APPEALS OF TRAVELLING TICKET INSPECTORS.

235. (a) Because no appeals lay to the Railway Board.

(b) Yes.

(c) Yes, such a reply was given to the appeals made by Travelling Ticket Inspectors who were absorbed on the maximum pay of the Travelling Ticket Examiner, Grade I or II as the case may be under the Moody-Ward Report.

(d) The substantive post of Mr. Ahsan was not abolished. He was only temporarily utilised as Crew Inspector on his substantive pay of Rs. 275 and not Rs. 270 as stated.

(e) Because their services were required.

REDUCTIONS OF PAY AND ALLOWANCES OF TRAVELLING TICKET INSPECTORS.

236. (a) The amount of the loss is considerably less than this.

(b) Yes.

(c) The deductions have been made on the scale prescribed in the Railways and Posts and Telegraphs (Emergency Deductions from Salaries) Rules, 1931, which are applicable to all Railway servants.

(d) Because the Travelling Ticket Inspectors provided for in the Moody-Ward Scheme are not Running Staff and are ineligible for Mileage Allowance; consequently their leave salary from 1st June, 1931, is based on their substantive pay only. The 10 and 12½ per cent. reductions made in their pay and consolidated travelling allowance respectively are based on the rules and orders issued by Government during the present emergency, and these rules and orders are applicable to Railway servants generally.

PAY OF TRAVELLING TICKET EXAMINERS.

237. (a) Yes.

(b) The scales of grades have not been reduced, but the pay is subject to the cut in accordance with the Railway and Posts and Telegraphs (Emergency Deductions from Salaries) Rules, 1931.

(c) The leave salary of the former Travelling Ticket Inspectors varied according to their salary and mileage allowance earned. The maximum pay of a Crew-in-Charge was Rs. 90 and that of a Travelling Ticket Examiner now is Rs. 95, reduced by the 10 per cent. cut.

PAY AND MILEAGE ALLOWANCE OF TICKET EXAMINERS ON THE EAST INDIAN AND NORTH WESTERN RAILWAYS.

238. (a) Yes, but the change was not merely in designation but in duties.

(b) The question of men on the permanent establishment whose substantive pay was reduced on the East Indian Railway is under consideration.

(c) The allowance drawn by Special Ticket Examiners on the North-Western Railway is a daily allowance while Travelling Ticket Examiners on the East Indian Railway draw a consolidated travelling allowance. The question of replacing the latter by a system of daily allowances is under consideration.

SUCCESS AND COST OF THE MOODY-WARD SYSTEM OF TICKET CHECKING.

240. (a) The system was introduced in June, 1931, and on the experiment proving success was sanctioned as a permanent measure in August, 1932.

(b) (i) Rs. 5,74,692.

(ii) Inspectors	..	..	..	17	
Travelling Ticket Examiners	..	..	..	626	(representing number of Travelling Ticket Examiners actually employed).
Ticket Collectors	..	..	..	839	
Office staff	..	..	..	34	

(iii) Rs. 3,55,632.

(iv) Rs. 66,432.

(v) Rs. 568.

(vi) Number of cases

under section 112	..	..	..	..	1,555
under section 113	..	..	..	..	26,391
under section 114	..	..	..	..	3
under section 419, I. P. C.	..	..	..	..	4
under section 420, I. P. C.	..	..	..	..	9

(c) Regarding Ticket Collectors—

The information is not available.

Regarding Travelling Ticket Inspectors

(i) Rs. 1,56,555.

(ii) " Officer-in-charge	..	..	..	..	1
Divisional Inspectors	..	..	..	..	6
Travelling Ticket Inspectors	..	..	..	..	148
Office Staff	..	..	..	..	50

(iii) Rs. 2,79,572.

(iv) This information is not available.

(v) Rs. 1,884 per head.

(vi) This information is not available.

RECRUITMENT OF TRAVELLING TICKET EXAMINERS.

244. (a) Until the scheme was sanctioned as a permanent measure in August, 1930, the Agent reported that none of the temporary recruits of the former, and

(c) Crew had been confirmed. Government have no later information.

(b) Yes.

DUTIES OF TRAVELLING TICKET EXAMINERS.

245. (a) Yes, a Travelling Ticket Examiner may be utilized as a Ticket Collector when occasion arises, i.e., at *melas*. Ticket Collectors are not utilized to work as Guards.

(b) Travelling Ticket Examiners were occasionally utilized as Ticket Collectors during big *melas* or on special checks in the interest of the Administration. As this is not a general practice and is as a rule resorted to only at *melas*, etc., no records have been kept.

PAY OF HEAD TICKET COLLECTORS AT CERTAIN STATIONS.

246. (a) Howrah	Rs. 220.
Benares Cantt.	No Head Ticket Collector employed.
Lucknow	Rs. 190.
Allahabad	No Head Ticket Collector employed.
Cawnpore	Rs. 190.
Moradabad	No Head Ticket Collector employed.
Bareilly	No Head Ticket Collector employed.
Lhaksar	No Head Ticket Collector employed.
Hardwar	No Head Ticket Collector employed.
Dehra Dun	Rs. 190 (Joint Platform Assistant and Head Ticket Collector).
(b) At Hardwar	Rs. 4,72,329 per annum.
At Benares Cantt.	Rs. 4,64,124 per annum.
At Bareilly	Rs. 5,66,480 per annum.
At Moradabad	Rs. 4,30,528 per annum.

HOUSE RENT AND MILEAGE ALLOWANCES OF TICKET CHECKING STAFF OF THE EAST INDIAN AND OUDH AND ROHILKHAND RAILWAY.

249. (a) & (b). I have called for further information and will, on its receipt, lay a reply on the table.

DISCHARGE OF TRAVELLING TICKET INSPECTORS AND TICKET COLLECTORS.

250. (a) Travelling Ticket Inspectors—

Discharged	6
Reinstated	Nil

Ticket Collectors—

Discharged	34
Reinstated	3

(b) 2 discharged as they declined to accept the post offered in the Moody-Ward Scheme, 4 because their services as Travelling Ticket Inspectors were not satisfactory and 34 on account of inefficiency and unsuitability for employment in the New Scheme.

Three Ticket Collectors were reinstated on their cases being reviewed as it was considered they should be given a further trial.

REDUCTION OF PAY OF TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

473. (a) and (b). The pay of the Travelling Ticket Inspectors was not reduced but their posts were abolished from 1st June, 1931. They were fitted into posts in the new scheme from 1st June, 1931, in a lower scale of pay in order to avoid their being discharged as redundant. The question of restoring the previous rate of pay to such of the permanent staff whose work is now practically the same as it was before is under consideration. A comparison of the duties performed by the former Travelling Ticket Inspectors with those of the existing Travelling Ticket Examiners as furnished in reply to Question No. 1125 (f) of Sheikh Fazal Haq Piracha indicates in what respects the duties differ.

(c) Attention is invited to the reply given to question No. 229 (a).

REDUCTION OF PAY OF TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

474. The pay of the posts of Travelling Ticket Inspectors was not reduced.

ALLOWANCES OF GUARDS AND TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

475. (a) This is due to the fact that conditions of services, and duties of guards and Travelling Ticket Examiners are not the same.

(b) A Guard is concerned with the safe running of trains whereas a Travelling Ticket Examiner has no such responsibility.

(c) Because at that time they were treated on the same footing with Running staff.

ALLOWANCES OF TRAVELLING TICKET EXAMINERS AND OF GUARDS AND DRIVERS.

778. (a) Attention is invited to answer to question No. 475 (b) asked by Lala Hari Raj Swarup on the 22nd February, 1932. Mileage is given to Guards not merely in consideration of their travelling but having regard to their duties and rates of pay.

(b) Because at that time they were treated on the same footing with Running staff.

(c) The answer to the first part is in the negative. The second part does not arise.

(d) Government are not prepared to make an enquiry to answer a purely hypothetical question.

APPEALS OF TRAVELLING TICKET INSPECTORS TO THE SECRETARY, RAILWAY BOARD.

779. (a) They have the rights of appeal under certain circumstances.

(b) Not if an appeal lies to the Railway Board.

(c) The memorials have been under consideration of the Board in consultation with the Agent, East Indian Railway. It is hoped that final orders in the matter will issue shortly.

REDUCTION IN THE SALARY OF TRAVELLING TICKET CHECKERS ON THE EAST INDIAN RAILWAY.

780. Government have not seen the issue of the paper referred to. But the question of the pay and allowances of Travelling Ticket Inspectors has been under consideration of the Railway Board for some time past and it is hoped that orders will be issued shortly.

POSTS OF TICKET COLLECTORS ON THE EAST INDIAN RAILWAY PROMOTED TO TRAVELLING TICKET EXAMINERS.

782. The posts of Ticket Collectors promoted to officiate as Travelling Ticket Examiners have not been permanently filled and will be available for such men should the necessity arise to revert them from the Travelling Ticket Examiners' grade.

APPOINTMENT OF TICKET COLLECTORS.

843. Yes. In selecting men for discharge and others for retention in the new scheme the principles laid down in that letter were followed.

APPEALS OF TRAVELLING TICKET INSPECTORS.

844. (a) Some were received in July, 1931, and some in October, 1931. They were addressed to :

(1) Labour Member, Railway Board, Simla, through the Chief Accounts Officer, Calcutta.

The Director of Finance, Railway Board, Simla (through Chief Accounts Officer).

The Controller of Railway Accounts, New Delhi (through Chief Accounts Officer).

The Financial Commissioner, Railway Board, Simla (through Chief Accounts Officer).

The Chief Operating Superintendent, East Indian Railway, Calcutta (through Chief Accounts Officer).

(2) G. I. Colvin, Esq., Agent, East Indian Railway, Calcutta (through proper channel).

(3) Secretary, Railway Board, Simla (through proper channel).

There was no undue delay in considering these appeals.

(b) Government do not consider that any public purpose will be served by placing these papers on the table.

(c) Yes. The matter referred to in the memorial has been under the consideration of the Railway Board and orders on the subject will be issued shortly.

(d) (1) Yes, but only in certain circumstances.

(2) Because the appeal did not lie to the Agent as the Travelling Ticket Inspectors' posts were abolished and no appeal is ordinarily allowed against reduction of establishment.

APPEALS OF TRAVELLING TICKET INSPECTORS.

845. (a) A copy is already in the Library of the House.

(b) The appeals could be withheld under rules 10 and 15 of the Rules regulating the discharge and dismissal of State Railways non-gazetted Government servants referred to in part (a) of this question.

RAILWAY TICKET CHECKING SYSTEMS.

847. The scheme has now been sanctioned as a permanent measure.

LADY TICKET COLLECTORS ON THE EAST INDIAN RAILWAY.

848. (a) Travelling Ticket Examiners are not authorised to enter carriages set apart for females.

(b) Economy effected would be approximately Rs. 46,800 per annum. Lady Ticket Collectors are provided on 2.5 per cent. of stations on the East Indian Railway.

RE-EXAMINATION OF TRAVELLING TICKET EXAMINERS.

850. The attention of the Honourable Member is invited to the reply given to Dr. Zia-ud-Din Ahmad's question No. 832.

ALLEGED INJUSTICES TO MUSLIM EMPLOYEES ON THE EAST INDIAN RAILWAY.

884. (c) Yes.

(d) Yes.

(e) No. Honorary Lieut. and Subedar Kanor Jalpa Persad and Subedar Abdulla Khan.

TERMS FOR DISCHARGE OF RAILWAY EMPLOYEES.

885. (b) If the term persons 'acting in the Crew Department' refers to temporary hands, they were not given the benefit of the above rule. Temporary hands of the Crew Department who were not considered suitable for employment in the new scheme were discharged with 24 hours notice.

MOTION *RE* COMPLETE CONFIDENCE IN THE HONOURABLE THE PRESIDENT.

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House): Mr. President, I desire to make a motion in regard to what has appeared in a certain newspaper regarding you.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member wishes to move a motion in regard to what has appeared in a certain paper. The Chair has noticed it, and leaves the matter in the hands of the House as the question involves the dignity of the Chair.

[At this stage, Mr. President (The Honourable Sir Ibrahim Rahimtoola) vacated the Chair, which was taken by Sir Hari Singh Gour.]

The Honourable Sir C. P. Ramaswami Aiyar: I desire to make this motion:

"That in view of the attack recently made on him in the Press, this Assembly do place on record its complete confidence in the Honourable the President." (Cheers.)

If I may be permitted to make the observation, Sir, it would seem to be unnecessary for me, after the manner in which the announcement of this motion has been received in this House, to make many remarks, but, Sir, not one of us is unaware of the peculiar position of the President of this Assembly as the guardian of the privileges of the House, as the custodian of its dignity and honour and as its official representative. In placing this motion on record this Assembly is to a large extent recording a vote of confidence in itself, in its belief in its own destiny, its belief in its own future. The dignity, the privileges and the position that the President enjoys, he enjoys as the spearhead of this Assembly. Sir, the President's position, assimilating as it does, that of the first commoner of Great Britain, the Speaker of the House of Commons, is a unique one and so far as the present incumbent of the office is concerned, it will not be forgotten that after a long political career, after a great administrative and official career, he has placed his talents and his energies, not grudging the trouble involved in that process, at the disposal of this Assembly and we are grateful to him on that account (Applause.) It has been brought to my notice, as it has been brought to his notice, that a certain newspaper has made some observations regarding him. I do not propose to deal with the subject matter of these remarks and I know I shall not be making an appeal in vain to the Honourable Members of this House when I ask that no other remarks need be forthcoming on the floor of this House except the association in silence but in complete and unanimous accord with the object underlying this Resolution. (Loud Cheers.) I assert unhesitatingly and with thorough conviction that the House will be doing its bare duty if it places on record its unabated confidence for the present and in the future in the Honourable the President. (Cheers.)

Mr. Chairman (Sir Hari Singh Gour) : The motion before the House is :

“ That in view of the attack recently made on him in the Press, this Assembly do place on record its complete confidence in the Honourable the President.”

The motion was adopted. (Prolonged and Continued Applause.)

Mr. Chairman (Sir Hari Singh Gour) : I shall make it my duty to convey the sense of this House to the Honourable the President.

THE PORT HAJ COMMITTEES BILL.

Mr. Chairman (Sir Hari Singh Gour) : Further consideration of the following motion moved by Mr. G. S. Bajpai on the 14th September, 1932 :

“ That the Bill to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz, as reported by the Select Committee, be taken into consideration.”

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Sir, the other day I was dealing with the various misapprehensions as to the scope of this Bill, that has arisen in the minds of certain bodies and individuals.

[At this stage, Mr. President (The Honourable Sir Ibrahim Rahimtoola) entered the Chamber and was greeted by the whole Assembly with prolonged and continuous applause during which Mr. President (The Honourable Sir Ibrahim Rahimtoola) remained standing. Mr. President (The Honourable Sir Ibrahim Rahimtoola) thereafter occupied the Chair, which was vacated by Sir Hari Singh Gour (Chairman), and was again greeted with prolonged applause.]

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Chair wishes to express its deep gratitude to the Honourable House for the expression of its confidence in the Chair. (Loud Cheers.)

Sir Abdur Rahim : I was pointing out that the Jamiat-ul-Ulema has been misled by certain propagandists who fear that pilgrimage to the Hedjaz might be taken advantage of as a means of promoting a pan-Islamic movement. I tried to explain to the House that such fears were absolutely groundless and had no foundation in fact. It is hardly necessary for me to explain that the Haj is a purely religious ritual and it is not a political institution and, therefore, no one who is afraid of the so-called pan-Islamic movement need be under any apprehension that pilgrimage to Hedjaz would be utilised for purposes of pan-Islamic propaganda.

Not only has the object of the Bill been misunderstood, but also its provisions. There is nothing in the Bill to suggest that the Government wish to acquire control over and to regulate pilgrim traffic. There is no provision which can lead to any such apprehension. If there was any provision in the Bill which had that effect, I should be the last person to support the Bill. The Bill, as it says, is merely intended to assist the pilgrims, many of whom are extremely poor and who have to perform long journeys by rail and steamer to go to a distant land in order to perform their religious duty. Every provision of the Bill is directed to assisting the pilgrims, and Government come in simply to help the representatives of the Muslim public and the pilgrims themselves in order to achieve this end. Then an objection was taken on the ground that Government wish to exercise control through this Bill over the Haj Committees. Sir, if the Port Committees were merely voluntary bodies, the

of course there would be no room for intervention by the Government. But the Bill proposes to confer certain statutory powers on these committees, and those powers are essential for a proper discharge by the committees of their duties, in order to enable them to assist the pilgrims, to ensure their safety and comfort and to see that they are not robbed or cheated. Sir, if Honourable Members will look at clauses 18 and 19, they will see at once that the Port Committees would be absolutely incapable of performing their essential functions if they had not the power which the Bill confers on them ; and as I have already pointed out, and which I may repeat again, unless Government support these committees, it will be almost impossible for them to help the pilgrims in the way that is necessary. Sir, if merely voluntary associations or committees had sufficed for our purpose, I am perfectly sure no occasion would have arisen for the Legislature to pass any measure like this. It is because voluntary associations and committees are powerless, without statutory authority, to help pilgrims in an adequate manner that this Bill and the other two Bills which, I am sure, will be brought before the Assembly next session, have been sought to be put on the Statute-book. Now the Port Committees have got to collect and disseminate information ; they have to see that the pilgrims are properly vaccinated, as otherwise they would suffer untold miseries in connection with the quarantine at Kamaran. They have to co-operate with the railway and shipping companies in order to ensure the comfort and safety of the pilgrims. They have to find suitable Muslims for employment by the shipping companies' pilgrim ships. They have to bring any irregularities or omissions on the part of the shipping companies in carrying out the provisions of the Merchant Shipping Act to the notice of the authorities, and they are authorised to inspect pilgrim ships to see that the provisions of the Merchant Shipping Act are properly carried out. They will also collect information as regards the way pilgrims are treated at Hedjaz and communicate to Government their suggestions as to the measures that ought to be taken in such connection. Now, these are duties and functions which could not possibly be discharged by the committees without statutory powers. That being the position, it is idle to carp at the Bill on the ground that the Bill gives too much control to the Government over these committees.

Then, objection has been taken to clause 4 as regards the composition of the committees. Now, it is true that certain members of the committee have to be nominated, including some officials. This, I say, is necessary if the committees have to work efficiently. A suggestion has, I believe, been made that bodies like the Jamiat-ul-Ulema should be represented on the committees. Now, there is nothing at all in clause 4 which will stand in the way of any member of the Jamiat-ul-Ulema or any other body to be represented there. They could easily be elected through the electoral machinery provided in the Bill. Sir, I should like also to point out that there is no question of religion involved in this Bill at all. It is only a measure to enable proper arrangements to be made for the comfort and safety of the large number of persons who collect in the ports in India and who have to sail in certain ships to the port in Hedjaz. Wherever there are such large congregations of men, it becomes necessary to make arrangements to see that they do not unduly suffer in health or otherwise. Now, in that I see nothing whatever which can be said to affect anyone's religion. It is merely an arrangement to see that the pilgrims whose numbers boarding a single ship amount sometimes to 1,000 or even 2,000

[Sir Abdur Rahim.]

do not suffer either through their ignorance of the conditions of the pilgrimage or at the hands of unscrupulous and greedy persons. It is a measure in the interests purely of humane treatment of the pilgrims, many of whom are very poor and I do not understand why there should be any apprehension that the Bill is intended to promote the interests of any particular religion. It stands on the same footing as, for instance, the regulations that are made on the occasion of pilgrimages within the borders of India or at the time of fairs and *melas*. This is nothing more than that in principle. The scope of the Bill is a little wider, because in making the necessary arrangements Government have got to deal with a country which is outside the political purview of India. Sir, I therefore, ask, this Honourable House not to delay the passing of a beneficial measure of this character and I also ask Mr. Maswood Ahmad, who has moved this motion, to withdraw it, because it would do no good to obstruct or delay a measure so necessary for the protection of the Muslim pilgrims.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. As today is Friday, the House will now adjourn to 2 o'clock.

The Assembly then adjourned for Lunch till Two of the Clock.

The Assembly re-assembled after Lunch at Two of the Clock.
Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I do not envy anybody, much less any Honourable Member of this House, seeking legitimate popularity among the masses. The late immortal Maulana Hali has said in one of his couplets :

Yahí tálib-i-shuhrat-o-nám sáre.

Bana dete hain qaum ke kám sáre.

These seekers for fame and popularity, they perform many meritorious acts for their community. But, certainly, Sir, to seek popularity at the expense of one's commonsense and conscience is really objectionable and very objectionable indeed. Sir, I claim to belong to a family in which theology and religious education has been a pride for many generations. Although I am, unfortunately, one of the unworthy descendants of that family, yet I am not behind anybody in my respect towards the learned and towards our religion. (Cheers.) I myself am of opinion that in matters relating to religion, Government ought to act with great caution and care. But, Sir, I contend, and I contend very strongly, that the measure before the House is not a religious enactment and that it has nothing to do whatsoever with the religious rights connected with Haj or the performance of rites relating to Haj. Let us see, Sir, what are the duties of this committee which is going to be appointed under the present Act. These duties are laid down in clause 18 of the Bill :

" (a) to collect and disseminate information useful to pilgrims ;

(b) to advise and assist pilgrims during their stay at the port, while proceeding to or returning from the Hedjaz, in all matters including vaccination, inoculation, medical inspection and issue of passes and passports, and to co-operate with the local authorities concerned in such matters ;

(c) to give relief to indigent pilgrims ;

(d) to negotiate and co-operate with railways and shipping companies for the purpose of securing travelling facilities for pilgrims ;

(e) to find suitable Muslims for employment by shipping companies on pilgrim ships ;

- (f) to bring the grievances of pilgrims and any irregularities or omissions on the part of a master or owner of a pilgrim ship in the carrying out of the provisions of the Indian Merchant Shipping Act, 1923, to the notice of the authorities concerned, and to suggest remedies ;
- (ff) to authorise whenever practicable an individual pilgrim or a committee of pilgrims on board a pilgrim ship to represent the grievances of the pilgrims to the master or owner of the ship ; and
- (g) such other duties in connection with the pilgrim traffic as may be entrusted to it by Government."

Now, Sir, will any Honourable Member of the House or any zealous Mussalman belonging to any association, Jamait-ul-Ulema or any other Muslim association, point out and tell me whether any of these duties has any relation to the performance of religious rites pertaining to Haj. I submit, that it is only a secular measure proposed in order to give facilities to the intending pilgrims before they start on their journey to Mecca. Now, Sir, I do not object to anybody raising objections or moving amendments concerning any Bill before this House, nor do I object to anybody opposing any measure. But certainly it is objectionable, if you try to oppose any measure, simply because it was opposed by a section of Ulemas in a certain town or in certain cities. Sir, I contend that Islam is not a priest ridden religion. I contend, Sir, that, as a Mussalman, I am as much qualified to perform religious duties and rights as any of the big Ulemas or any big theologian. Sir, my Honourable friend, Shaikh Sadiq Hasan, who, I regret, is not here, got up to oppose this Bill, simply because it was opposed by a section of Ulemas. I think, Sir, this betrays a very great amount of weakness on the part of any Honourable Member of this House. If we have any real and genuine objections to any measure, let us oppose it, but not simply because that measure is opposed by any section of the public. Then, Sir, he said, that nobody would like to be a member of this committee when all the powers of making rules have been taken by Government under the proposed measure. Now, let us analyse for a minute what these powers are, which have been taken by the Government. These powers are given in clauses 10, 14 and 22. Clause 10 relates to rules relating to the constitution of committees ; clause 14 relates to officers and servants of Port Haj Committees and clause 22 relates to power to make rules for the financial control of committees.

Now, these are the functions which have nothing to do with the real object of the Bill, that is, to provide comforts for the intending pilgrims. These duties are all of the nature of official or executive duties, and the rules relating to these functions can only be framed by a Government at the first instance. Therefore, to say that Government have taken all the powers relating to these committees and that the committees will be at the behest of the Government in the performance of their duties is such as has no foundation at all.

Again, an objection was raised by my friend, Mr. Maswood Ahmad, that no provision has been made for the election of Ulemas on the committee. I submit, Sir, that there is nothing in this Bill which keeps the Ulemas out of the committees to be elected. On the other hand, the provisions for the election are such as give ample scope for their election, if it is necessary to have any of them on these committees. For instance, seven members are to be nominated by the Local Government, of whom not more than five shall be officials and two will be non-officials. It is quite open to Government to nominate two of the Ulemas to become members of the committee.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum*-Orissa : Muhammadan) : Are Government prepared to promise that Ulemas will be nominated ?

Sir Muhammad Yakub : Government have been moulding Shamsul-Ulemas and if they can manufacture and mould Shamsul-Ulemas, I do not think Government will have any hesitation in nominating two Ulemas on this committee. Then, Sir, we find that two members are to be elected by the elected Muslim councillors and elected Muslim aldermen of the Corporation of Calcutta. There is nothing which can debar the Muslim councillors and aldermen of Calcutta to elect two Ulemas on the committee. In the same way, the constitution of the committees at Bombay and Karachi provides ample scope for the inclusion of Ulemas, if it is found necessary that they should be on this committee. But really I think, Sir, that the functions and the duties of this committee are such that I do not think it will be necessary to enrol the services of our Ulemas. Our holy Prophet (peace be on him !) has himself said :

Antum a'lam-u bi umûr-i-dunyâkum.

“ Ye people : you know better about your worldly affairs than I do.”

The affairs of the world and the duties which appertain to the functions of this committee are such as can better be performed by men of the world than by our sacred and holy Ulemas.

Then, Sir, my friend, Mr. Maswood Ahmad, whom I congratulate on the interest he has shown on this Bill and the large number of amendments he has put down on the agenda paper, said that this Bill should only be decided by the vote of the Muslim Members of this Assembly. Sir, I take strong and very strong objection to that suggestion. Sir, in one breath we claim responsible Government for this country and ask for democratic institutions in India and in the same breath we want that the primary right of a member of a democratic institution to take part in all its discussions should be refused to him. It seems to me that from separate electorates we are drifting on to separate legislatures. I do not know what will be the fate of this unfortunate country, if an independent constitutionalist, from some other country, were to come and analyse the speeches we deliver in this House and the contradictions we indulge in. He cannot form any other opinion except that we are not fit for any sort of responsibility either in the Centre or in the provinces. Sir, as I have just said, this is a purely secular measure and the duties of this committee are of a purely secular nature and I do not see what objection can there be to the inclusion of a non-Muslim, for instance, if my friend, Dr. Dalal, may be ready and prepared to look after the health of the intending pilgrims in the port of Bombay, I do not see any reason why I should not utilise his services. Personally I would prefer him to many an indifferent Muslim doctor. In the same way, if we find that there is an organised Seva Samiti in Bombay, Calcutta or Karachi and they voluntarily offer their services for the comfort of the intending pilgrims, I do not see why we should not not only allow but welcome the services of such organisations. In this way, take a Hindu festival like the Kumbh Mela at Allahabad or some festival in any other place of the Hindus. If there were some Muslim organisations to help the pilgrims and give them comforts in the matter of lodging or sanitation, I do not see why my Hindu brethren should refuse such help and assistance.

Therefore, I think that this point on which great stress was laid by my Honourable friend, Mr. Maswood Ahmad, has no logic in it. For a long time Muslims, in the Assembly, and outside it, have been clamouring for some legislation to help intending pilgrims and remove their difficulties and grievances, and when such a measure is in the last stage of being enacted, my Honourable friend here moves an amendment that it should be re-circulated for eliciting public opinion; as though we have not yet elicited public opinion thereon. This Bill has already attracted the attention of nearly all the Muslim individuals and organisations, who have any interest in the matter, and they have already expressed their opinion either for or against the Bill; and I do not see any reason whatever why we should re-circulate it for the purpose of eliciting public opinion. My Honourable friend has got a large number of amendments and, if he thinks that the Act is very defective, let him move those amendments on the floor of this House. But what is the use of postponing the passage of the Bill? Does he not know that we are on the threshold of new reforms, that a new constitution is soon going to be introduced in this country? And if this Bill be not passed in this session, I am sure that it is not likely to be passed by the present Assembly, and I do not really know what will be the fate of such Bills when they come before the newly constituted Federal Assembly of India. So, Sir, I oppose the motion for circulation and support the motion that the Bill be now taken into consideration.

The Honourable Chaudhury Zafarullah Khan (Member for Education, Health and Lands): Sir, after my learned and Honourable friends, Sir Abdur Rahim and Sir Muhammad Yakub, have dealt so ably with the objections advanced by other Honourable Members of this House against the consideration of this Bill, it would ordinarily not have been necessary for me to add anything to their speeches. But this Bill and two other connected Bills, which are not coming up for discussion during this Session of this House, have aroused so much controversy and have given rise to so much misunderstanding among the Muslims that, I believe, I may crave your indulgence and the indulgence of the House to add a few remarks to what has already been said.

It has been made abundantly clear that this Bill is in no sense a religious measure. It has been asserted on the other hand that it does, to a certain extent, interfere with religion. Without going into the history of this piece of proposed legislation, I may say this: That in case this Bill finds a place on the Statute-book, the effect of its provisions will not be to constrain any intending pilgrim to do what he is not already bound to do or to omit to do that which he either desires to do or is bound to do. The result of it will not be compulsion of any sort whatsoever. The result aimed at is that during the season when very large numbers of Mussalmans from all parts of the country begin to collect together at certain ports for the purpose of proceeding to the Hedjaz for the performance of the pilgrimage, certain assistance shall be rendered to them and certain facilities provided for them. This Bill will not add a single restriction to those that already exist. The restrictions to which intending pilgrims are subject have been provided for by other legislation, no doubt, in the interests of the pilgrims themselves. All that this Bill is intended to achieve is to render both the journey overland and the stay of intending pilgrims in ports where

[Chaudhury Zafarullah Khan.]

they intend to embark for the Hedjaz less irksome, less subject to restriction and less uncomfortable than it is at present. It does not even compulsory seek to regulate their movements in the sense that those intending pilgrims who do not desire to take the benefit of any of the provisions of this Act or any measures devised for their comfort as the result of the passage of this Bill through this House need not do so. If an intending pilgrim does not require any assistance from a Port Haj Committee or from any officers employed by it, he is not compelled to seek or to avail of that assistance. Therefore, the first matter that I wish to make absolutely clear both to Honourable Members of this House who, I am sure, do not require that assurance now after they have looked at the detailed provisions of the Bill, and to Muslims outside this House, is that the passage of this Bill through this House and its ultimately being placed on the Statute-book will not add any constraint to those to which intending pilgrims are already subject.

I was rather surprised to hear my Honourable friend, Shaikh Sadiq Hasan, criticise the Bill in the manner in which he did and to say that the Bill was somehow a mischievous device of the Government to attain some ulterior and sinister object which he did not proceed to explain. As a matter of fact, he added that he could not guess what was behind the mind of the Government when they brought this measure for discussion before the House. All that he really was concerned with was that there had been a great deal of opposition to the provisions of this Bill from certain religious bodies and associations. I am quite willing to pay a higher compliment to my Honourable friend, Shaikh Sadiq Hasan, than he was willing to pay to himself, and it is that I consider that with regard to the provisions of this Bill he is just as competent to judge of their effect and of the motive underlying them as any body of Ulemas in this country and it was his duty to have judged the provisions of this Bill on their merits rather than be guided by what certain associations might or might not have said. One or two matters of specific criticism I may advert to, although they have already been alluded to and dealt with by some of the Honourable Members who have preceded me. One matter on which stress has been laid both by Mr. Maswood Ahmad and by Shaikh Sadiq Hasan is that this Bill does not provide for the election of Ulemas or representatives of Ulema Associations on to these Port Haj Committees. As has been pointed out already, this Bill does not lay down any restrictions as to who may be a member of a Port Haj Committee, except that five out of seven, or four out of six in the case of the Karachi Committee of the nominated members may be officials. The remaining provisions of the Bill do not restrict the choice of members of Port Haj Committees to any particular category. It is, therefore, open to the electorates that might ultimately be determined under clause 4 to elect anybody as a member of these Port Haj Committees including the Ulema ; and when the members who have to be elected under the provisions of this Bill have been elected, it is then open to them in the case of each of these Haj Committees to proceed to co-opt a certain number of members and the Bill again does not lay down any restriction as to who may be co-opted. If those, who are to form an electorate

for the election of these members, are as keen to have among the members of these committees a certain number of Ulemas, as some members of this Honourable House are, I am perfectly certain that they will give effect to their desire by electing or co-opting Ulemas to these committees. One difficulty, which would have confronted Government if they had insisted as a matter of obligation in this Bill that a certain number of Ulemas must be elected, would have been the difficulty of defining what an *alim* means and to define that in such a way that the definition should have given satisfaction to all classes of Muslims. I have yet to be told and I should be glad to be told the definition of an *alim* upon which all Muslim Members of this House may agree. That is one of the many good reasons why the Bill does not proceed to lay down too many restrictions with regard to the people who may be elected to the membership of these committees. My Honourable friend, Shaikh Sadiq Hasan, was then very apprehensive with regard to the usefulness of these committees, because he said there were going to be as many as 7 out of 19 or 6 out of 17 nominated members of whom 5 or 4, respectively, may be officials; and he put a question as to whether anybody could point out any municipal committee or district board at present in operation in India on which so large a percentage of members was nominated or official members. It is not necessary to take up that challenge, although it is possible still to point out solitary instances of that kind, because these Port Haj Committees at their inception can in no way be compared with local bodies of that kind. What Mr. Sadiq Hasan must remember in this connection is that this is the very first attempt to set up bodies of this kind and, I am perfectly certain, that the moment these bodies begin to function, they will be only too grateful to Government for having provided that at least in the initial stages they should have the assistance and the co-operation of nominated members among whom there will be an element of official members. I am perfectly certain that it would be difficult for these committees to find their feet and to begin to function properly unless they did obtain the assistance of people experienced in the running of such committees and in the management of affairs like those which will be entrusted to these committees. Honourable Members should be satisfied that the number of official members is such that Government have not the slightest intention through these official members in any way to manage the affairs of these committees for them. Their very proportion of about one quarter of the total on these committees ought to re-assure Honourable Members that they are there to help the committees and not in any way to influence their decisions or to interfere in the details of the matters which they have to administer.

One point that my friend, Shaikh Sadiq Hasan, raised rather perplexed me as I had imagined that he had read the provisions of the Bill as it emerged from the Select Committee before he delivered his speech. One point of his criticism was that these committees are not being permitted to receive subscriptions, and that in this way a fairly generous source of obtaining funds would be shut out. I am afraid he had in mind the provisions of the Bill as it stood before it was committed to the Select Committee, for if he had looked at the provisions of clause 20, sub-clause (h), he would have found that the Haj

[Chaudhury Zafarullah Khan.]

Committee's funds would consist, among other funds, of any sums received by the Haj fund from private sources and that subscriptions, therefore, are not barred. Mr. Maswood Ahmad who has also had certain criticisms to offer does not appear to me to have made up his mind finally yet as to what modifications he desires in the provisions of this Bill. A stream of amendments has constantly been flowing in in the name of my Honourable friend, and one is rather perplexed in dealing with them as to what attitude to adopt which would conciliate him or reconcile him to the provisions of the Bill and bring in his support. One Honourable Member has assured the House that at one time Mr. Maswood Ahmad did not intend to move any amendment, and even after that assurance was given, there is a very large number of amendments put down on the order paper for the day. His very anxiety to help in so modifying the Bill that the provisions of the Bill may be acceptable to him, I think, does show that he is not very anxious to have the Bill circulated for public opinion at this stage. He seems to be in possession of the opinions and criticisms of the Members who are concerned with this Bill. He himself seems to have studied it with minute care. Although he does not seem to have completed his study as yet. He was a member of the Select Committee, and I am perfectly certain that he will be content with trying to get the provisions of the Bill so modified as to make it acceptable to him rather than that the consideration of the Bill should be further delayed.

It has been pointed out that this measure and other measures connected with it are absolutely essential as preliminary measures to afford some alleviation and some comfort to the very large number of poor pilgrims who congregate together in these ports and that their passage should not be further delayed. I would, therefore, submit, Sir, that the House may be pleased to give its consent to the further consideration of the Bill rather than that it should be further delayed by the motion for circulation being accepted.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : Sir, I want to record the most strong and emphatic protest against the motion of my friend, Mr. Maswood Ahmad, for circulating the Bill for eliciting opinion thereon. It is not for him to bring in a motion like this, because, as the house will soon see, he has been connected with this Bill, as it was presented before the Assembly in the Delhi session rather from the very beginning of its origin. He was a member of the Standing Haj Committee, and there it was that the recommendations of the Haj Enquiry Committee were fully considered. It appears, Sir, from the proceedings of the Standing Haj Committee which met on the 12th and 13th September, 1931, that the recommendations of the Haj Enquiry Committee on this question were thoroughly dealt with and the provisions of the Bill, as it was presented before this House in the Delhi session, had the full consent and agreement of all the Members present there. If we have done anything in this Bill, we have improved it very much. We have eliminated a large portion from the original Bill which seemed objectionable. It appears, Sir, that my friend, Mr. Maswood Ahmad, was present in that committee and had agreed that there should be nine nominated members in the Bombay Port Haj Committee, while we have reduced the number now to seven. It is clear, Sir, that he had agreed

to the number of members in the Karachi Haj Committee being 17 to which he now takes exception. He had also agreed to the quorum being fixed at five, which the Select Committee had raised to six. Therefore, Sir, I do not think that he has any justification to come before this House, after having taken part in the deliberations from the very first stage of the Bill, and ask us to circulate it for eliciting public opinion thereon. Mr. Maswood Ahmad knows very well that we have not done anything new after the Bill was circulated last April.

The germ of the provisions of the Bill was there at all the ports in India, the foundations for the Haj Committees were laid long before our recommendations were made. In 1908, the Governor of Bombay created non-official Haj Committees at the ports of Bombay and Karachi. In 1913, the Bengal Government created a non-official association, called the Haj Committee, in that city. We had Haj Committees all over India. We had a Provincial Haj Committee at Patna. When we were on the Haj Enquiry Committee, the most important thing that was pressed upon us was to improve the status of the Haj Committee so as to give them power to function effectively and to be of much greater use to the pilgrims, and we gave, I should think, most of our attention to that part of the requirements of the community. I am glad, Sir, to acknowledge here the generosity of our Chairman, Mr. Clayton, who agreed readily to all the reasonable proposals that we put forward in this connection before him. It was a unanimous report on this question that we presented to the Government, in which, of course, we wanted to have a larger number of elected members and a lesser number of nominated ones. But when the question came before the Standing Haj Committee, it appears that the members who represented this House on that committee did not see through it very carefully, and our recommendations were upset by the consent of the members in the Standing Haj Committee, because the word used in the proceedings of the Standing Haj Committee is that the proposals were all "agreed" by the members present and proposals in the Bill were put forward before us after that agreement. By that agreement we found that our recommendations had been modified to a very large extent, and that the nominated element had been introduced in a great measure. I and my other friends, Maulvi Sayyid Murtuza Sahab Bahadur, Haji Chandhury Muhammad Ismail Khan, our friend from Multan of the Haj Enquiry Committee and all other members suggested that the nominated element should be lessened and the elected element increased. Although Government officials, who had their own way of doing things, strongly objected to this, but, seeing the force of opinion on the Select Committee, they agreed to the provisions as they are now embodied in the report of the Select Committee. Mr. Maswood Ahmad was also a member on the Select Committee. I know that he could not be present on that day, but that is not the fault of the other members of the Committee, that is his own fault. He ought to have preferred this work to the other work that he had at home. If he was not present, he should thank himself and not blame the members of the Select Committee.

I find, Sir, that although we have improved the provisions of this Bill so far as the number of elected members on the Port Haj Committees and other matters are concerned, still in the country the complaint is that Shafee Daoodi is at the bottom of the whole thing, it is he who was on the Standing Haj Committee, it is he who proposed a larger number of nominated element, and that he is doing everything behind the scenes. I am

[Maulvi Muhammad Shafee Daoodi.]

very sorry that Mr. Maswood Ahmad has brought my name so prominently in his minute of dissent in three places as if I was the author of the whole thing. I would now ask my Honourable friend, Mr. Maswood Ahmad, and the other Members of this House to look at the importance of the question. This is, as the Honourable Chaudhury Zafarullah Khan has said, the first of our experiments to have a statutory Haj Committee at the ports where pilgrims require our assistance. For the first time we are giving it a start. We had to see whether we have got sufficient material to work upon. The main question was one of finance, and we could very well see that the question of finance could not be solidly met by any other means than by a grant from provincial or Central revenues. We have seen committees like this dying out for lack of funds, and, therefore, we were constrained to look to the other side of the picture, and as such we could not so strongly object to even that much nominated element in the committee. The consideration of funds which we were going to derive from Government for the Haj Committees weighed much with us. These considerations were there before every member, and for that reason they did not think it wise to press their point of having 75 per cent. elected element on the Port Haj Committees. After all, it is a committee which has got to serve the pilgrims. It does not matter if men who Government know will be able to serve well on the committee are appointed by Government. I do not think that on a committee like this we should be insistent on having full elected element. Of course, we should be insistent on having men who are likely to serve zealously and enthusiastically on the committee. Committees have died down for want of enthusiasm of members and not for want of their being not elected. With these remarks, I would strongly oppose the motion which has been moved by my Honourable friend, Mr. Maswood Ahmad.

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhammadan) : It has been pointed out by my Honourable friend, Shaikh Sadiq Hasan, that the Government in this particular case have been influenced by a sinister motive, but after having heard Mr. Bajpai's statement as one of fact that there was no sinister motive behind this Bill, I think it was up to Shaikh Sadiq Hasan to have thought twice before having expressed such a charge, because I always feel that if there is any sinister motive underlying a measure brought before this House by the Government, they will never state it as a fact that there is no sinister motive unless it is devoid of every sinister motive. If any Bill has a sinister motive, they keep it back, they do not make mention of it. I should think that Shaikh Sadiq Hasan should have applied his mind before making that remark, because I am sure that Government have no sinister motive at all with regard to this Bill.

Then, as regards certain remarks which my Honourable friend, Bhai Parma Nand, has made, such as that the Government are trying to spread communalism, or remarks to that effect, which I find in his minute of dissent, page 1, where he says :

"I cannot at all see what relation there could exist between the Haj Committee of some port and the Central Legislatures except a simple inference that in the name of the Port Haj Committees the Bill, in reality, aims at the creation of a separate Muslim organisation similar to that of Khilafat Committee approved and sanctioned by the Central Legislature of the country."

My Honourable friend's apprehension is that, though these Port Haj Committees on the face of them purport to be constituted under this enactment, they will really begin to function as political organisations.. (Bhai Parma Nand : "As communal organisations.")..just as the Khilafat Committee did in days gone by, and that, on that account, the Government ought not to countenance any measure which may have the effect of creating such political organisations in the garb of semi-religious ones. With regard to that, I say that the object of this Bill is not to interfere with the religion of the Mussalmans or with their religious rights in any way appertaining to the performance of the Haj. What the Bill aims at is to render all possible facilities, all possible comforts, to those intending pilgrims to the Hedjaz who are now suffering under very great disadvantages.

As a matter of fact, it will be up to the Port Haj Committees to be constituted in Karachi, Calcutta or Bombay to see that all these pilgrims who get on board the ships are cared for on their journey, that these committees get into active touch with the shipping authorities and thereby provide such comforts for the pilgrims as could be secured. That is the main function of these committees and if, in fixing the constitution for these committees, Government have a hand in nominating certain members, without defining what particular nationality or creed they should belong to, I do not see how the work of these committees would diminish or deteriorate by reason of such nominations. It is said that these Haj Committees ought to be purely elected bodies, elected not from Mussalmans alone but from members of any community and, so far as the Bill is concerned, it appears to me that the greatest latitude is given in so far as the candidates who may stand for election to these committees are concerned. Those who wish to get into any of these committees need not have the right to vote at the elections. Anybody and everybody may stand for election to these committees. In such circumstances I cannot see how my friend, Bhai Parma Nand, would call these Haj Committees communal committees.

Bhai Parma Nand (Ambala Division : Non-Muhammadan) : The members of the constituency are Muslims.

Mr. Muhammad Muazzam Sahib Bahadur : I will come to that. Then there is another argument levelled and that is that the Legislatures of the country ought to be shut out from these committees. The ground that he has put forward for the exclusion of the Muslim legislators of the country is that he cannot see any connection between the Port Haj Committees and the legislators. It seems to me that in Bhai Parma Nand's mind it has always been the case that legislators are political workers, pure and simple. They have got nothing else to do except to be politicians. Does it stand to reason that because Members of this Legislature or the Legislative Councils are elected to these Port Haj Committees, their primary duty will be to convert the Haj Committees into political bodies ? I certainly wish to controvert that statement, because it is not politics alone that engages our attention. There are a thousand and one things besides politics that engage our attention. It is not for politics alone that we come here. Even now, there are a number of things not connected with politics that are being discussed in this House, such as social matters for instance. Why should he presuppose for a moment that legislators, once they enter these Haj Committees, will carry on politics and politics alone ? Then there was a suggestion put forward by more than one Member in this House, including my friend, Mr. Maswood Ahmad, that the Ulemas

[Mr. Muhammad Muazzam Sahib Bahadur.]

should be the necessary adjunct of these committees. I fail to see what particular charm attaches to the inclusion of the Ulemas on these committees. As a matter of fact, I personally think that far from helping these committees, the Ulemas will be the means of creating a split in the smooth working of the committees and if there had been a provision in the Bill that Ulemas ought not to be elected to these committees I should have been very glad. I think that would be a healthy provision, but, as it is, even the Ulemas are not excluded. They can come in. Nothing precludes them from standing for any of these committees. Sir, in the matter of rendering help to the pilgrims, I do not see how the Ulemas could render better aid than my friend, Mr. Kabir Ahmed. He is far remote from the Ulemas but still as a man...

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : How can a Muslim Member take part in this debate when he cannot pronounce a Muslim name ?

Mr. Muhammad Muazzam Sahib Bahadur : I thought, Sir, Kabir was a Muslim name.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : What is the Honourable Member doing now ? The Honourable Member cannot rise when the Member in possession of the House does not give way.

Mr. K. Ahmed : The Honourable Member cannot pronounce a Muhammadan name.

Mr. Muhammad Muazzam Sahib Bahadur : I really believe that Mr. Kabiruddin Ahmed would be of greater use to the pilgrims than any *alim* in this country. Then there was another remark, namely, that the nominated element was far in excess of what was required. I think that in the initial stages when this Bill has got to be brought to practical working, there ought to be a certain nominated element, because it gives very great weight to these non-official committees and this nominated element helps the committees in the proper discharge of their duties. With these words, Sir, I oppose the motion for circulation.

Maulvi Sayyid Murtuza Saheb Bahadur (South Madras : Muhammadan) : Before I proceed to speak, I should thank you for having given me an opportunity. As one of the members of the Select Committee and also of the Haj Enquiry Committee, I feel bound to give expression to my views in support of the motion for consideration. So far as this Select Committee is concerned, it consisted of four members of the Haj Enquiry Committee, that is, 50 per cent. thereof including my Honourable friends, Maulvi Shafee Daoodi, Khan Bahadur Rajan Baksh and Chaudhury Ismail Khan and myself. Every point was discussed and sifted and the Select

3 P.M.

Committee came to a cogent conclusion. In this connection I have to bring this one fact to the notice of this House. No doubt I am not at one with my Honourable friend, Mr. Muhammad Muazzam Sahib, when he says that Ulemas won't serve any purpose on these committees. Sir, I have got great regard for them. As one of the founders of the *Majliss Ulema*—a Muslim akin institution in Southern India—I cannot but have due regard for the Ulemas who are religiously-minded people and who are always proving themselves serviceable to Islam. (Hear, hear.) But then I cannot help observing in this connection that they were a little hasty in jumping to the decision that

Government were unduly interfering in this matter and that the Mussalman Members also were a party to it. Had they observed patience till the Select Committee came to some decision, they would have come to know how the matter was decided in Select Committee. Then, my Honourable friend, Bhai Parma Nand, in one breath says that Government would not be justified in financing these committees because they are communal and religious and in another breath he wants to take his stand on the decision hastily passed by the Jamiat-ul-Ulema. He says the Jamiat-ul-Ulema has laid such a stress on this point that they observed the 10th of June as a Haj day in order to protest against these measures,—and that day happened to be the day on which we signed the report of the Select Committee. In this connection I have to inform the House that on the Haj day we ran up to the Jama Masjid. Not only did we join the Friday congregation there, but also participated in that meeting which was convened to condemn the Government as also the Muslim Members that supported the measure. We were approached, one after another, by the audience to take the chair, but we said that inasmuch as there was something against us, we were obliged to decline the offer with thanks. The meeting was presided over by the Inam of Jama Masjid—who is also a recognized *Alim*, one who completed his course and got his degree from Darul-Ulum, Deoband. The whole question was put by the President, and then my Honourable friend, Maulvi Shafce Daoodi Sahib, and myself explained everything, when the whole audience was fully satisfied, and not only were they satisfied, but they also passed a vote of confidence in the Muslim Members and in the Select Committee. (Hear, hear.) So, Sir, had we had the opportunity of attending other meetings also, we would have convinced them and, at the same time, we would have converted them to our view. Now as regards Bhai Parma Nand, although many speakers have said something, I have to say a few words. When his name was proposed by the Deputy Leader of the Nationalist Party, we welcomed the proposal and we were under the delusion that he would prove himself helpful to the Select Committee,—or at least we thought, according to the Persian saying, '*Mera ba khaire to ummed neest sher merason*':

"I do not expect any good from you; at least if you do not do me any harm, that would be deemed as an obligation."

We were entirely disappointed—so long as the Select Committee meetings continued, he remained silent. On no occasions he voted with us. But when we perused the minute of dissent drawn up by him, we were astonished. In this connection I have to say that Mr. Maswood Ahmad was not justified in saying that our Hindu colleagues should neither support this motion nor oppose it. On the other hand, I hold a different view. My Hindu friends also should recognize that the Haj pilgrimage is not an Indian question only, but it is of international importance. (Hear, hear.) As regards this question, Muslim pilgrims have to satisfy so many conditions; the Government of India have to abide by so many restrictions under international law. (Hear, hear.) But for these things, we would not have sought the help of the Government, but would have run the Haj administration independently of the Government. Sir, we do want to stand on our own legs so far at least as religious matters are concerned (Hear, hear), but as regards these international laws and sanitary conventions, the pilgrims have to satisfy not only this Government but also the Dutch Government, the Hedjaz Government, the French Government, the Egyptian Government, and so forth. In these circumstances the Haj

[Maulvi Sayyid Murtuza Saheb Bahadur.]

pilgrimage cannot possibly be placed on the same level as the pilgrimages made by members of other communities in India. Do we, Mussalmans, grudge any payment from provincial Governments or the Central Government for the purposes of other religionists? No, we do not and we will not; so we hope that our Hindu brethren also will not have any objection to this. Sir, in view of the fact that these measures are calculated to do good to Haj pilgrims, whose sufferings are great and must necessarily be mitigated, I support the motion whole-heartedly.

Some Honourable Members : I move that the question be now put.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I take this opportunity to thank the Government for the honest efforts that they have made to remove the genuine grievances of the Mussalmans. Sir, I am not prepared to give a certificate that the Government's intentions are always honest, but, in this particular case, from what I have seen, I think they have really tried their level best to remove the genuine grievances of the Mussalmans. (Hear, hear.) They appointed a Haj Committee, they gave full latitude to this committee to go about and investigate the conditions all over the country, this committee produced a very good report, and the Government then formulated their recommendations in a Bill which was referred in the last session to a Select Committee consisting of about eight or nine members whose religious sentiments nobody can doubt. This Committee worked very hard. I also, Sir, take this opportunity to thank the members of the Select Committee, and its President, Sir Abdur Rahim, for removing the defects which were present in the original Bill. The Bill as it has now emerged from the committee will no doubt prove very useful to the Mussalmans.

Before I come to the subject matter, I may be permitted to say one or two words with regard to the note of dissent by Bhai Parma Nand. I am perfectly sure that if he considers the principle of his minute of dissent very carefully, he will himself withdraw it. No doubt it is not the business of the Government and of the Legislature to interfere with any religion. It is not the business of the Legislature or of any Government to support one or the other religion. But it is certainly the legitimate function of every Government to support the travelling facilities of their people by whatever motives those travels may be actuated. Take, for instance, the travel by rail of the Hindu pilgrims. Have we not on the floor of the House protested against the manner in which the third class pilgrims are carried by the B. N. W. Railway? Have we not, on many occasions, protested that on this account alone it is justifiable to purchase this particular railway in order that the pilgrims may have greater facilities and comforts for their travel. To provide facilities in travel is certainly not in any way an interference or patronage of any religion. May I also remind him that we charge a terminal tax at places like Hardwar for providing comforts for pilgrims and will it be right for any person to say that he is not going to pay this terminal tax, because it only affects one particular religion. I think it is really the duty of every person to pay this terminal tax whatever religion he may profess, though it is intended for providing comforts for those Indians who go there on religious motives. May I also, Sir, say that time is money and may I ask him if we are justified, if we accept his principle, to spend any time of the Legislature on a measure which affects only one particular religion? Does not the

Bill, brought forward by my Honourable friend from Madras, does not the motion for adjournment, brought by Mr. Lahiri Choudhury, relate to a particular religion? Sir, it is the duty of the State to come forward and help every religion so long as it does not interfere with the private beliefs of the individuals. I think this is the principle on which we should work and, I hope, my Honourable friend, Bhai Parma Nand, will also accept this principle.

Bhai Parma Nand : Financial support is a different matter.

Dr. Ziauddin Ahmad : Not financial support to a religion, but financial support for providing facilities for travelling.

Now, Sir, as regards the objections raised by the Jamiat-ul-Ulema and other bodies. I have also received a large number of letters and telegrams, and one telegram was received by me when the Honourable the Secretary of the Education Department was sitting with me only yesterday in which the sender asked me to make every effort to oppose this particular Bill.

Khan Bahadur Haji Wajihuddin (Cities of the United Provinces : Muhammadan Urban) : Every Member has got those telegrams.

Dr. Ziauddin Ahmad : Yes. But I think we had better judge these telegrams on their own merits. In this particular case, the Honourable Member in charge of Education has made it abundantly clear that this committee will not interfere with the privileges which persons may now enjoy. Those persons who want to travel in a particular manner or who want to live in a particular way will not be interfered with by this committee. The committee will only offer assistance to those persons who seek its assistance and, in that way, the present privileges will not be interfered with. I do not think there is any interference contemplated in this Bill. There are no doubt genuine difficulties under which the Mussalman pilgrims are now suffering and they have been related to me by persons who have actually travelled under these conditions. I was told that when they first go to the ship, these third class passengers are treated like cattle. They stand naked at one particular place and the Medical Officer comes in and puts a stamp on the body of passengers in the same way as is put on sheep which are taken to the slaughter-house. I was told also by some persons who have been actually to the Haj that there are enormous difficulties at Jeddah. They are asked to deposit the return half and it takes a very long time to get back the return half of their tickets. These are the difficulties which have been narrated to me and these are the difficulties which cannot be met by the present committee which is now in existence. Unless there is some authority behind this committee, it is impossible for them to meet these difficulties.

Now, as regards the nomination of official members about which objection has been taken. Speaking for myself, I am not in favour of having a large number of official members but, in this particular case, I take an exception. And I will tell the House why I take it. In order to remove the difficulty of medical examination, I would very much like to have the Medical Officer on this particular committee. If we can convince him in the committee, I am sure, it will have a greater effect than a formal resolution of this committee sent by post to the Medical Officer of the Port. I would rather have all those persons who are really concerned with the comforts of the pilgrims on this committee itself so that we may convince them. In that case there will be a greater chance that their recom-

[Dr. Ziauddin Ahmad.]

mendations will be accepted. It is much better to talk out with the officials in the committee than to send in a formal resolution of the committee whatever authority behind it may have. Sir, I may also point out that at present there is a practical monopoly of the pilgrim traffic. Had there been several companies and had there been several lines going from the Indian ports to the ports of Arabia, then probably the necessity of this committee would not have been so great. But, we find at present, there is a practical monopoly by this particular company and this monopoly cannot be met by a private body which now exists. Unless we have a constitutional committee, supported with the full authority of the Government, it is impossible for any body of people to meet this monopoly of the pilgrim traffic. Unless we have such a strong committee, as is contemplated in the Bill, it will not be possible to secure the same comforts and privileges from this organisation which aims at obtaining maximum profits with minimum expenditure.

Now, I come to one or two provisions of the Bill. I can say that I do not entirely agree with my friend, Maulvi Shafee Daoodi, when he said something about my friend, Mr. Maswood Ahmad. No doubt Mr. Maswood Ahmad was a member of all these committees, but it is quite possible for a man to change his opinion under the pressure of his electorate, or on account of new facts which he did not know before. I daresay, everyone of us has been pressed and it is quite possible that it may have different effects upon different persons. Some persons may be influenced more and some less.

Mr. N. M. Joshi (Nominated Non-Official) : Or he may have changed his opinion honestly.

Dr. Ziauddin Ahmad : Coming to the terms of the Bill, I would very much like to have some *Alims* included in this Bill. I entirely agree with my Honourable friend, Chaudhury Zafarullah Khan, that it is impossible for any person to define an *Alim*. If you ask me the definition of an *Alim*, I would frankly say that I cannot define it. But I think he would agree that if the majority of the Muslim Members of this Legislature say that the person A is an *Alim*, then he is certainly an *Alim*, though we may not be able to define the term. Therefore, if an *Alim* is elected by the majority of the Muslim Members of the Legislature, and the majority of them have confessed that he is an *Alim*, then, I think we may take it for granted that he is an *Alim* whether he can be or cannot be defined as such.

Khan Bahadur Haji Wajihuddin : A member of the Jamiat-ul-Ulema will be a recognised *Alim*.

Dr. Ziauddin Ahmad : It was pointed out very clearly by Sir Abdur Rahim and also by Sir Muhammad Yakub that there was nothing in this Bill which might preclude *Alims* from this committee. I quite agree, it is quite possible that every member of this committee may be an *Alim*, there is nothing prohibiting that. But I tabled a motion simply on the ground that there was a strong agitation among certain sections that it was very desirable to include *Alims* in these committees and I know that some persons will be very much satisfied if a provision is made that at least two persons in this committee may be *Alims*. How it may be done, is a matter which we may discuss when the amendments

are before us. Here the difference is not in principle. We all like to have *Alims* in this committee. This is only a question of how these things could be put in words. We were all agreed that it was very desirable to have some *Alims* on the committee, we were all agreed that it was certain that some of them would be elected by one or all of the constituencies. The second thing to which I should like to draw the attention of the House is clause 5 which says that the constitution of the committee might be changed by the executive Government. We know the executive Government practically means the Member in charge of this particular Department. At present, no doubt, we have got a Muslim in charge of this Department, but there is no guarantee that the Member....

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : I only wish to point out that there is no provision in this Bill empowering the Governor General in Council to amend the constitution arbitrarily or secretly. There are very formal provisions put down as to how it could be done.

Dr. Ziauddin Ahmad : I was referring to clause 5, namely, power to alter composition of Port Haj committees. This clause says :

“ The Local Government may propose to the Governor General in Council a draft of rules altering the composition of a Port Haj Committee.”

I was referring to the fact that the Governor General in Council may finally approve the draft.

The Honourable Chaudhury Zafarullah Khan : After previous publication of the draft.

Dr. Ziauddin Ahmad : I would have preferred this power being given to the Legislature and not to the Governor General in Council as in clause 5. It is a departure from the principle that the Act of Legislature can only be altered by the Legislature. However, I do not like to wreck this Bill on this ground alone. We may possibly give a chance to the Governor General in Council and if we find that the Governor General in Council is not using the privileges in the best interests of the Mussalmans, then any of us, or any of our successors, might come forward in the Legislature and demand that this particular section might be expunged. I would certainly have preferred that a change in the composition of the committee, i.e., alteration of clause 4 ought to have been left to the Legislatures and not to the executive Government.

The last point that I should like to draw the attention of the House to is that among the sources of income Government have not considered the possibility of taking the interests which the Mussalmans have relinquished to Government in regard to the interests on savings bank deposits, war bonds and various other Government securities and the interests on fixed deposits in the Imperial Bank. Sir Haroon Jaffer, in 1927, brought forward a Bill in the Council of State and said that the money relinquished by the Mussalmans ought to be handed over to Mussalmans and may be spent for any purpose which Muslims may decide. The Government of India did not take any action on this

[Dr. Ziauddin Ahmad.]

and postponed the matter by usual tactics. They invited public opinion, and rejected it on the ground that it was not unanimous and that public opinion was diffused in the matter. So, nothing was done since 1927. The Government have not even kept an account of these funds. I approached the Secretary of the Finance Department about two years ago and asked him this account to be shown. I discovered that there was no material available in the Finance Department by which this fund could be indicated. 'This fund is a large one, and I know that the Jumma Musjid in Bombay has invested large sums of money. I was told in Bombay that the interest would be somewhere approaching two lakhs of rupees only on this item above.

The Honourable Chaudhury Zafarullah Khan : Will the Ulemas agree to the utilisation of that interest for the committee ?

Dr. Ziauddin Ahmad : I realise the difficulty. Ulemas might possibly object, if it is spent on religious purpose. It may be utilised in paying the salary of the executive officer and his staff, and nobody will have any particular objection and then the funds which the Government might contribute might be spent for other purposes. I wish the Honourable Member in charge of the Department considers this aspect of the question and takes out the money which the Finance Department is wrongfully keeping tight with them, the money really belongs to the Muslim community.

Several Honourable Members : The question may now be put.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is that the question be now put.

The motion was adopted.

Mr. G. S. Bajpai : There is very little for me to say at this stage. I formally oppose on behalf of Government the motion for circulation which has been moved by Mr. Maswood Ahmad.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That the Bill, as amended by the Select Committee, be circulated for the purpose of eliciting opinion thereon.”

The motion was negatived.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That the Bill to establish committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Clause 4.

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh : Muhammadan Rural) : Sir, I do not move my amendment* No. 2 on the agenda.

Dr. Ziauddin Ahmad : Sir, I do not move my amendment† No. 3 the agenda.

Mr. M. Maswood Ahmad : Sir, I move :

“ That in sub-clause 1 (a) of clause 4, for the word ‘ seven ’, the word ‘ four ’ be substituted.”

Sir, at the very outset I want to make it perfectly clear that I did not join my hand with that of my Honourable friend, Bhai Parma Nand, in tabling these amendments. But, at the same time, I have to say that I do not feel ashamed in joining my hands with my Hindu brethren. (Loud Applause.) I believe, the day when we all join hands will be the day of complete freedom and when Hindus, Muslims, Sikhs, Depressed Classes, etc., all the children of India belonging to different communities, castes and creeds join their heads and their hands, the day for complete freedom will dawn. (Hear, hear.) Unnecessary communalism cannot pay in the long run. (Loud Applause.)

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. These are very estimable sentiments said by every section of the House, but the Chair is unable to appreciate what relevancy these remarks have on the amendment which the Honourable Member has moved.

Mr. M. Maswood Ahmad : Mr. President, I have finished what I had to say on this point. I bow to your ruling, and I come now to the main point. I want to say that my Honourable friends should not be frightened by seeing so many long amendments on the agenda, some of them are rather consequential amendments and very few of them are amendments of principle. If you decide any principle, one way or the other, all the consequential amendments will go away and so this House will have to decide only one or two amendments of principle.

I am glad to say that I requested my Honourable colleague, Bhai Parma Nand, not to move his amendments and he has kindly accepted my proposal and he will not move his amendments. Now, Sir, coming to the merits, I will say that you cannot show any parallel law where you have got 37 per cent. nominations. You find that seven members are to be nominated of whom not more than five are to be officials and this seven out of nineteen comes to 37 per cent. There may be any backward area where such nomination may exist, but at least I am not prepared to accept either Bombay, Karachi or Calcutta to be a backward area or the Muslim community to be a backward community.

Further, Sir, much has been said about the Haj Enquiry Committee in this connection, that the committee toured all over India and spent

*“ That for sub-clause (1) of clause 4 of the Bill the following be substituted :—

‘ (4) (1) The Port Haj Committee of Calcutta shall consist of nineteen members
Composition of Port Haj Committees as follows :—

(a) fifteen members to be nominated by the Local Government, of whom not more than five shall be officials ; and

(b) four members to be elected by the elected Muslim members of the District Boards in Bengal ’.”

†“ That in sub-clause (1) of clause 4 of the Bill for the word ‘ nineteen ’ the word ‘ twenty-one ’ be substituted.”

[Mr. M. Maswood Ahmad.]

a lot of money, thousands of rupees were paid to each member and after the troubles of years, the Haj Enquiry Committee made certain recommendations. May I ask Honourable Members, what is the recommendation of the Haj Enquiry Committee in this matter? They recommended that five out of a total of 25 members should be nominated. I will ask my mathematician friend, Dr. Ziauddin Ahmad, to tell me if five out of 25 is not 20 per cent. So, this proposed nomination is not in accordance with the recommendation of that committee. What is the similarity between the Haj Enquiry Committee's recommendations and this Bill, I fail to understand. The only point of similarity is the words 'Port Haj Committee'. These words are of course common in the Bill and in the report, but other things are quite different having absolutely no similarity. But we cannot be satisfied with words only.

I want to ask those, who support this 37 per cent. nomination, whether they are prepared to accept this percentage of nominations in the future legislatures. Are they ready to accept it for their local councils? Nobody is going to accept it for the local councils and for the district boards and municipalities. Then, why is it that this 37 per cent. is being forced on the poor Muhammadans? Is this the reward of their loyalty?

Then, Sir, the Haj Enquiry Committee recommended five nominations out of a total of 25. Government have increased the five to seven and decreased the total from 25 to 19. Sir, is it called an honest intention?

Now, Sir, we have to see how the present Port Haj Committees are, what is their composition, and what is the proportion of official members on them. In this connection I will quote what the Bengal Government say. They say:

"The present provincial committee, which is also the Port Haj Committee for Calcutta, consists of 19 members and includes (four officials who are) (1) the Commissioner of Police, Calcutta, (2) the Port Health Officer, (3) the Health Officer of the Calcutta Corporation, and (4) the Deputy Commissioner, Port Police. The remaining members are prominent and influential Moslem gentlemen representing practically all sections of the community in Bengal. It is, therefore, very similar in composition to that indicated in the report and could easily be transformed into a port committee on the lines suggested."

Out of 19 members, there are only four officials and under this Bill we will have five nominated officials. Further, we find that the remaining members on the Bengal committee are prominent and influential Muslim gentlemen representing practically all sections of the community in Bengal.

Again, the Bombay Government say that they consider that a total of 18 members at the most would be sufficient of whom 13 may be selected from a panel of names submitted by the various Muslim bodies.

So, Sir, if you analyse, you will find, the Bengal Government wants about 20 per cent. nominated officials and the Bombay Government wants 28 per cent. nominated; the Haj Enquiry Committee recommended 20 per cent.; but this Select Committee gives 37 per cent. nominated members of whom five, i.e., 25 per cent. are to be officials. Some of my Honourable friends may accept this proportion, but I want to do my duty and I am not prepared to accept any such recommendation.

An argument has been advanced from some corner of the Treasury Benches that these nominated officials will be of great use to the committee and will teach the members of the committee. I say, Sir, do the Muslim community which has got men like Sir Fazl-i-Husain, Chaudhury Zafarullah Khan, Sir Ali Imam and Sir Abdur Rahim, require to be guided and to be taught by officials? Do these people require any guidance from the nominated officials? I, for one, am not prepared to accept it at all.

An Honourable Member : Why did you not press it on the Select Committee?

Mr. M. Maswood Ahmad : What was the result of my pressing on other points? It is very difficult to defeat the Government when you are in a committee. I admit for arguments sake that I made a mistake in not allowing my relatives to die, and should have stayed on in spite of that. But are the Members of this House going to sacrifice the interests of the whole Muslim community for my fault? They should not sacrifice the interests of the whole Muslim community, because Mr. Maswood Ahmad was not able to be present in the committee on a particular date.

Now, Sir, I ask the verdict of the Muslim gentlemen present here whether or not they are prepared to accept such a high percentage of nominations. One Honourable Member, claiming to know Islam and religion, has said, it is not a religious question. But the same gentleman once said "The Child Marriage Restraint Act is not an interference, with the religion". He expressed his willingness for the inclusion of Muslims in the Act. But, now, he repents and wants Muslims to be exempted. Is the same gentleman prepared to say even now that the Child Marriage Restraint Act is not a religious question? I warn this House, especially our Muslim friends, that if they accept this recommendation and reject my motion, they will repent for years to come and generations unborn will also regret it. Sir, with these words I move my motion.

Mr. G. S. Bajpai : Sir, I beg leave to oppose this amendment. It is not necessary for me to explain at length why I oppose the amendment, because the arguments against the amendment have already been anticipated, not merely from the Government Benches, but by members of the Select Committee who were also members of the Haj Committee.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

"That in sub-clause 1 (a) of clause 4, for the word 'seven' the word 'four' be substituted."

The motion was negatived.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Bhai Parma Nand.

Bhai Parma Nand : May I make a few observations, Sir?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member is perfectly entitled to make as long a speech as he likes provided it is relevant to the amendment which he is called upon to move.

Bhai Parma Nand : I do not want to move the amendment*. I only wish to make a few general observations in withdrawing it.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member will have an opportunity on the third reading to make general observations.

Mr. M. Maswood Ahmad : Sir, I move :

“ That in part (d) of sub-clause (1) of clause 4 of the Bill, for the word ‘ four ’ the word ‘ two ’ be substituted.”

My reasons for this amendment are very simple and I hope this amendment will be supported by every corner of the House.

First of all, I say that we should see what the recommendation of the Haj Inquiry Committee is in this matter. They say at page 127 :

“ It is desirable that a considerable percentage of the representatives so elected should themselves have performed the pilgrimage, but we do not feel it possible to prescribe any definite percentage. In order to provide on the Committee a percentage of members with an up-to-date knowledge of the conditions of the pilgrimage, the eighteen members elected as above should co-opt two members who should have performed the pilgrimage during recent years.”

The Committee, therefore, recommends that two persons should be co-opted. Much has been said here about the Standing Haj Committee and we must see what is their recommendation. Their recommendation is to be found at page 15 of the proceedings held at Simla on the 12th and 13th September, 1931. You will find there that they also recommend two co-opted members by the elected members. We find that all the bodies recommend only two co-optations. But, in the Bill, the co-optation is four. I really wonder on what basis the Select Committee has recommended the co-optation to be four. So I am moving this amendment that this co-optation may be reduced from four to two.

I want, with your permission, Sir, to make clear something on this question. You will find in the Bill, in sub-clause (c), a distinction has been made that only those Members of the Central Legislature who come from Bombay and Bengal can vote in Port Haj Committees ; and this is the first time we see this distinction. Amongst the elected Muslim Members, a differentiation has been made. The other provinces have not been given a chance to serve on any committee ; and, at the same time, when the question of voting comes, the other provinces have been debarred from voting who should be elected on these committees. There is no provision for any seat for different provinces. Different Muslim organisations have not been provided with a single seat. *Ulemas* have not been provided with a single seat. They have not been given any chance to select their representatives. So, to remove these defects, I have proposed further amendments, which will come later on. But, for the present, I propose that this co-optation should be reduced from four to two according to the recommendations of the Haj Inquiry Committee and Standing Haj Committee. I move.

““ That in part (a) of sub-clause (1) of clause 4 of the Bill, for the word ‘ seven ’ the word ‘ nine ’ be substituted.””

Dr. Ziauddin Ahmad : Sir, may I just draw the attention of the Honourable the Mover that he would very much like to include some *Alims* in this committee and here is an opportunity in clause (d) for some *Alims* to be included ; but, if he will restrict the number from four to two, then the chances of their inclusion will be very much minimised. I withdrew my motion only on this ground that under this clause they are very likely to be elected. The other point is that he wants representation of different provinces, like Bihar and United Provinces ; and they will have a chance of coming in under clause (d). Therefore, I would have much liked that the number should be increased from four to six, and I was rather disappointed with the statement that he made that he wanted to reduce the number. I would certainly have supported him had he made a proposal to increase the number from four to six.

The Honourable Chaudhury Zafarullah Khan : Sir, I think it will be best if at this stage I try to point out some of the implications of the amendment moved, so that Honourable Members may have a chance of judging how it might affect certain considerations which they themselves have put forward. So far as this particular amendment is concerned, the Government would be willing to be guided by the opinion of the Muslim Members who are mainly concerned—not that for a moment I take up the position which Mr. Maswood Ahmad took up that other Honourable Members should not vote on the matter when the matter comes forward—but for the reason that for other Members and Government Members this is comparatively a matter of indifference, and I, on behalf of Government, would be willing to accept the position which commends itself to all or nearly all of the Muslim Members of this House. As you have observed, what Mr. Maswood Ahmad is seeking to do is to reduce the number of co-opted members from four to two, and then by a subsequent amendment to allot these two members for election to an electorate composed of Muslim Members of the Central Legislature. He has tabled no amendment that in case these two amendments are accepted, he will delete from sub-clause (1) (c) the provision relating to the Members of the Council of State and the Legislative Assembly elected by constituencies in the Presidency of Bengal. So that the first effect of the acceptance of these two amendments would be that Muslim Members of the Central Legislature elected from constituencies in Bengal would take part in two elections, first to help to elect six members under sub-clause (1) (c) and then to help to elect two members under the amendment which has been put forward by my Honourable friend. That would be the first effect. The next would be that the composition of this particular Committee, with regard to which the amendment has been moved, would not remain as elastic as the result of this amendment being accepted as it is at present. At present, four out of 19 seats will be filled by co-optation by eight of the elected members, and they will have the widest possible choice in the matter. There are a good many interests including the *Ulemas* and others with regard to which it might be desirable to have them represented on this committee, and surely it could be much more easily and much more inexpensively managed to bring these interests on to these committees by co-optation of four members by eight members who have been elected by an electorate which in itself was an elected body than if you took away two out of these and gave them to the elected Muslim Members of the Central Legislature. These are some of

[Chaudhury Zafarullah Khan.]

the considerations which Honourable Members may keep in view in dealing with this amendment. As I have said, so far as the attitude of the Government is concerned, it is a matter of indifference to them, and they will be prepared to abide by the decision of the Muslim Members.

Mr. M. Maswood Ahmad : May I explain, Sir,

Maulvi Muhammad Shafee Daoodi : Sir, this is a point in which I want to support my friend, Mr. Maswood Ahmad, because he really wants to improve the constitution of the Port Haj Committees. As has been pointed out by the Honourable Member in charge of the Department, the present constitution is that the Muslim Members of the Legislative Assembly of the provinces concerned will have a right of voting for the members in their Port Haj Committees. What my friend proposes is that all the Muslim Members of the Central Legislature should have that right. It is a very reasonable proposal, and I think it is an improvement upon the constitution that was made in the Select Committee. I, therefore, support him, and I hope the House will also support him. We should not throw out a reasonable proposal, because he has made other preposterous proposals.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, the ground for restricting the election of the Boards to Muslim Members is that the matter concerns the Muslims primarily. If we follow that reasoning logically, I do not see why the Muslim Members from Bengal should not have a greater right of representation in these Boards, when Hajees are mostly from Bengal. I know that Muslim Members of other provinces would also like to have a share in these elections. If it is once conceded that provision should be made in this Bill for exclusive voting by Muslim Members, then consistently with that principle Muslim Members from Bengal should, I think, have a greater chance of electing their representatives. So I oppose the motion of my friend, Mr. Maswood Ahmad.

Mr. G. S. Bajpai : Sir, I wish to say that it would help Government to make up their mind if one or two more Muslim Members are allowed to have their say in the matter.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I gave
4 P.M. all the opportunity that was available, and nobody
got up.

The question I have now to put is :

“ That in part (d) of sub-clause (1) of clause 4 of the Bill, for the word ‘ four ’ the word ‘ two ’ be substituted.”

The Assembly divided :

AYES—2.

Maswood Ahmad, Mr. M.

| Shafee Daoodi, Maulvi Muhammad.

NOES—47.

Abdul Matin Chaudhury, Mr.	Macqueen, Mr. P.
Abdur Rahim, Sir.	Mitra, Mr. S. C.
Acott, Mr. A. S. V.	Mody, Mr. H. P.
Ahmad Nawaz Khan, Major Nawab.	Mukherjee, Rai Bahadur S. C.
Ahmed, Mr. K.	Naydu, Rao Bahadur B. V. Sri Hari Rao.
Aiyar, The Honourable Sir C. P. Ramaswami.	Nichols, Mr. H. L.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.	Nihal Singh, Sardar.
Amir Husain, Khan Bahadur Saiyid.	Pandit, Rao Bahadur S. R.
Anwar-ul-Azim, Mr. Muhammad.	Raghubir Singh, Kunwar.
Bajpai, Mr. G. S.	Rau, Mr. P. R.
Banerji, Mr. Rajnarayan.	Reddi, Mr. T. N. Ramakrishna.
Clow, Mr. A. G.	Sahi, Mr. Ram Prashad Narayan.
Dalal, Dr. R. D.	Scott, Mr. J. Ramsay.
Fazal Haq Piracha, Shaikh.	Sher Muhammad Khan Gakhar, Captain.
Fazl-i-Ilahi, Khan Sahib Shaikh.	Sorley, Mr. H. T.
Ghuznavi, Mr. A. H.	Suhrawardy, Sir Abdulla-al-Māmūn.
Gidney, Lieut.-Colonel Sir Henry.	Tin Tüt, Mr.
Graham, Sir Lancelot.	Tottenham, Mr. G. R. F.
Greenfield, Mr. H. C.	Wajihuddin, Khan Bahadur Haji.
Ismail Ali Khan, Kunwar Hajee.	Yakub, Sir Muhammad.
Jadhav, Mr. B. V.	Yamin Khan, Mr. Muhammad.
Jawahar Singh, Sardar Bahadur Sardar.	Ziauddin Ahmad, Dr.
Jehangir, Sir Cowasji.	Zulfiqar Ali Khan, Sir.
Jog, Mr. S. G.	

The motion was negatived.

Clause 4 was added to the Bill.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is that clause 5 stand part of the Bill.

Mr. M. Maswood Ahmad : I beg to move :

“ That clause 5 be omitted.”

The point is very simple and I have already placed it before the House. Only I would remind the House in a word or two that whatever power is given by the Act with reference to the formation of the Port Haj Committees, is taken away by clause 5. Clause 5 says :

“ The Local Government may propose to the Governor General in Council a draft of rules altering the composition of a Port Haj Committee, and the Governor General in Council, after previous publication of the draft in accordance with the provisions of section 23 of the General Clauses Act, 1897, shall take the draft into consideration.”

I say that the whole attempt of the Select Committee to make clause 4 reasonable according to their view will be frustrated by this clause. We know that the Government of Bengal do not like the present position, and I have no doubt that in the near future this clause will be a tool in the hands of the Government to change the provisions of clause 4. This is a great power that the Governor General in Council may change the composition of Port Haj Committee without asking for the assent of this Honourable House. I received a telegram last night, and I want to read it to the House. It comes from Mr. Hasanally, who is well known to this

[Mr. M. Moswood Ahmad.]

House. He served as a member of the Haj Inquiry Committee and other committees. He says :

“ Haj Committee Bill as emerged from Select Committee most unsatisfactory. Constitution retrogressive. Bill should be published. Please protect pilgrims and Muslim interests by getting at least clause 5 deleted.”

If we cannot do anything else, we must at least get rid of this clause. It is a very dangerous clause, and it will be a weapon in the hands of Local Governments. Whenever they like, they will make a report to the Central Government, and after publishing the draft in the Gazette, it will be taken into consideration and all the efforts of the Select Committee will have been wasted. With these remarks, I move my amendment.

Mr. G. S. Bajpai : I rise to oppose the amendment. I think my Honourable friend, Mr. Maswood Ahmad, has entirely misunderstood the purport of this clause. There is no intention whatsoever on the part of the Government to utilise it at any stage for the purpose of making these Committees less representative than we are making them by the provisions which have been made in clause 4 of this Bill. The whole idea is this. We want to have an elastic procedure for modifying the composition of these Committees, such modifications being dictated, as is quite likely, by experience gained. One point was made by the Honourable Member in charge of my Department the other day when speaking on this Bill—that the composition of provincial Governments in the future is likely to be more predominantly non-official than it is to-day, and it is hardly conceivable that at any stage we shall have proposals from Local Governments for making these Committees less popular in their character than they will be under this Bill. Sir, I oppose the amendment.

The motion was negatived.

Clause 5 was added to the Bill.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is that clause 6 stand part of the Bill.

Mr. M. Maswood Ahmad : I move that clause 6 be omitted.

Mr. G. S. Bajpai : I oppose the amendment, Sir.

The motion was negatived.

Clause 6 was added to the Bill.

Clauses 7, 8, 9 and 10 were added to the Bill.

Mr. M. Maswood Ahmad : Sir, I move :

“ That sub-clause (2) of clause 11 be omitted.”

The Local Government have got many powers and I do not see why after the election, the Chairman should not take up his office without the approval of the Local Government. Why the Local Government's approval should be necessary before he takes his office ? On this ground I propose that this amendment should be made. I appeal not to leave the election of the Chairman at the mercy of the Local Government.

The motion was negatived.

(The alternative amendment to clause 11 was not moved.)

Clause 11 was added to the Bill.

Clauses 12 and 13 were added to the Bill.

Mr. M. Maswood Ahmad : I move :

“ That after sub-clause (3) of clause 14 the following new sub-clause be added :

‘ (4) All the officers and servants of the Port Haj Committees shall be Muslims ’.”

This is my last amendment and I hope my Honourable friends will support me. All I want is that the officers and servants of the Port Haj Committees shall be Muslims for the reasons I have mentioned in my note of dissent. This is a very just demand, Mr. President, and I ask the House to accept at least this. Is there anybody who likes that executive officers and other servants of the Port Haj Committee should not be Muslims ? Sir, I move.

The Honourable Chaudhury Zafarullah Khan : Sir, the Bill has no where provided that even a single member of a Port Haj Committee should necessarily be a Muslim and I do not see any reason why it should be provided specifically in the Statute that the servants and officers of a Port Haj Committee shall be Muslims. There is no doubt that the elected and co-opted members very likely will be either all or almost all of them Muslims and if that is so, it is for them in conjunction with the nominated official and non-official members to decide which persons possessing what qualifications would serve them best for the purposes and the duties which the Committee has to carry out and I think that discretion might be well left to the Committee instead of providing in the Statute that the servants and officers of the Committee shall be Muslims.

Maulvi Muhammad Shafee Daoodi : I would like to put forward another aspect of the question. Now that Mr. Maswood Ahmad has done his best for putting up the case he was set up with, he will be applauded as a martyr by the Delhi Jamait-ul-Ulema. I would, however, like to say that there were some points in his amendments which, if they had been pressed reasonably, might have improved the tenor of the Bill, which has not been done. Therefore, I am sorry for what Mr. Maswood Ahmad has done.

Mr. President : The question is :

“ That after sub-clause (3) of clause 14 the following new sub-clause be added :

‘ (4) All the officers and servants of the Port Haj Committees shall be Muslims ’.”

(A division was challenged.)

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Will those Honourable Members who are in favour of the amendment stand up ?

(Messrs. Maswood Ahmad, Badi-uz-Zaman and Khan Bahadur Mahdum Syed Rajan Bakhsh Shah stood up.)

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Those against :

(A large majority stood up.)

The motion was negatived.

Clause 14 was added to the Bill.

Clauses 15, 16, 17, 18 and 19 were added to the Bill.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I move :

“ That sub-clauses (b), (c) and (d) of clause 20 be omitted and that the subsequent sub-clauses be re-numbered.”

My Honourable friend, Shaikh Sadiq Hasan, the day before yesterday appeared to think that I had some sinister motive in moving this amendment. I much appreciate the compliment he had paid me by casting me for the role of a robber chief, but I would assure him, if he were here that the part I have been called upon to play is of a much humbler and more prosaic nature. He would, I am sure, be much relieved to hear that the amendment I am moving is a purely formal one. As my Honourable friend, Sir Abdur Rahim, and also the Honourable Chaudhury Zafarullah Khan have explained, it was originally the hope and intention of Government that the three Bills relating to this subject should be placed before this House in the course of this Session and that they should be passed into law. Unfortunately it has only been found possible to proceed with the one which is at present before the House. In what Sir Abdur Rahim very rightly held to be the most important of the three Bills, that which deals with the amendment of the Indian Merchant Shipping Act, provision is made that certain funds should become the property of the Government. Those funds are the ones mentioned in sub-clauses (b), (c) and (d) of clause 20, namely, certain unclaimed deposits, unclaimed passage money and fees levied for pilgrim passes. Now, Sir, I think it will be obvious that Government cannot assign funds to the Haj Committees which are not at present in their possession, and it is for that reason and that reason alone that I am moving that these sub-clauses should be omitted. I would, however, at the same time draw the attention of the House to sub-clause (i) of clause 20 under which it is within the powers of Government to allot to the Haj Committee any sums which they choose : and I can assure the House that, as soon as the Bill amending the Indian Merchant Shipping Act is passed and these funds become available, it is the intention of Government to allot them to the Port Haj Committees. Sir, I move.

The motion was adopted.

Clauses 20 to 24 were added to the Bill.

Clause 1 and the Title and Preamble were added to the Bill.

Mr. G. S. Bajpai : Sir, I move that the Bill, as amended, be passed.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, I do not propose to make a long speech or to move for circulating the Bill for eliciting public opinion, but I do not like to record a silent vote on this very important Bill which affects my community. Sir, neither do I want to speak for notoriety's sake as might be thought in some quarters, nor do I wish to point out the inconsistencies of either Maulana Shafee Daoodi or of my friend, Mr. Maswood Ahmad, but as a friend of mine here said that we may be held answerable to the *Ulemas* who have been very unkindly and, I should respectfully

point out, injudiciously indicted in this House, I wish to affirm publicly that the Mussalmans of India entertain a very great regard for their *Ulemas*, just as our Hindu friends have a very great regard for their Pandits and their religious heads. (*An Honourable Member* : "Not always.") Sir, it may be said that nothing has actually been said against *Ulemas* (*An Honourable Member* : "Nobody said that"), but at least it has been said that they are not fit members to sit on these committees. (*Sir Abdur Rahim* : "Nobody has said that.") Sir, whether they are capable of sitting in this House or whether they are not capable of acting as advisory members on any committee, it rests with this House, which is a privileged House, to say whatever they like about the *Ulemas*. Sir, I have risen to support this Bill and to say that the principles involved in this Bill are undoubtedly—as has been explained by the Leader of my Party—sound principles. The first principle which has been enunciated by the Select Committee is the principle of democracy which I find in clause 4. Then another democratic principle adopted is the principle of election. Now I find that it has been criticised by my friend, Mr. Maswood Ahmad, and other gentlemen here that out of 19 members seven members will be nominated. Well, I submit, that the rest 12 members will come by means of election and by no other means.

Mr. G. S. Bajpai : Sir, I do not wish to interrupt the Honourable Member, but I want to point out that, at this stage, the discussion of clauses is rather irrelevant ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member, on the present occasion, in speaking on the third reading, can speak on the general principles and give reasons why he wishes to support the motion for the third reading or why he proposes to oppose it. I wish to explain to the Honourable Member, therefore, that all arguments would be relevant if advanced for the purpose of either supporting the passage of the Bill or of opposing the Bill. To go into details *except on that main issue* would not be in order. The Chair wishes to further explain that in giving his reasons why he wishes to support the Bill, he can, in dealing with the provisions in the Bill, adduce the reasons that he proposes to place before the House in support of the motion.

Mr. Muhammad Azhar Ali : Sir, as I was giving reasons for supporting the Bill, so one of those reasons was that the principles enunciated in the Bill are quite consistent with the democratic principles which the country is going to adopt in the new constitution. Also that the disqualifications which are sometimes placed on the heads of certain members of our community, for instance, the Moplahs, have been to a certain extent removed by this enactment. Sir, the duties of the Committee have also been defined. My submission is that all those principles which have been enunciated and the principles on which this Bill has been enacted are of a salutary character and, therefore, I support this Bill.

Mr. Muhammad Anwar-ul-Azim (Chittagong Division : Muhammadan Rural) : Sir, I should not like to tire the House at half-past four, when the Honourable Members are anxious to have their tea.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Will the Honourable Member kindly try to speak a little loudly, because the Chair cannot hear him ?

Mr. Muhammad Anwar-ul-Azim : Sir, that is due to the peculiar construction of this House. As I happen to come from a part of the country from where a large number of Hajis happen to go to Mecca every year, I think my constituency will take me to task if I do not participate in the course of this debate and tell the House their opinion. That is my only justification for standing up at this fag-end of the day.

Generally speaking, I think, I will willingly support the principles of the Bill. You will remember, Mr. President, that when this measure was introduced in the last Delhi Session, I was one of those who objected to the composition of the Port Haj Committees so far as Bengal was concerned. But I am very glad to find that the Select Committee has very kindly seen to some of those objections which were raised during the course of that debate. But it seems to me, although clause 4 has been changed very materially, there are still some loopholes in it which ought to have been considered more seriously by the Committee. For instance, from a detailed reading of clause 4 you will find that some voting powers have been allotted to some Mussalman members who might belong to some Medical Council. I dare say from my place here in the Assembly that it will be absolutely impossible for any Mussalman to get into any Medical Council in Bengal especially in Calcutta and, as such, their joining for voting anywhere will be meaningless.

Mr. G. S. Bajpai : I rise on a point of facts, Sir, to correct my Honourable friend. No seats as such have been assigned to the Medical Council of Bengal. The Medical Council of Bengal is part of an electorate to elect to this Committee.

Mr. Muhammad Anwar-ul-Azim : What I meant to say was that two votes have been given to Mussalman members who might be belonging to the Medical Council in Calcutta. I am certain that they will not find any Mussalmans sitting on that Council and, therefore, the representation of Mussalmans from this side will be nil. Secondly, I should like to emphasise for the consideration of the authorities in Bengal that they ought to try to give proper effect to clause 6, because there it has been specifically mentioned that where the Committee was of opinion that the necessity was present, they might declare some of the port towns in Bengal as a centre from which the Hajis should go to the Hedjaz. In this connection, I should like to suggest for the consideration of the coming Committee and also of the Government of Bengal that my port town of Chittagong, which was for many years a place for taking out the pilgrims to Hedjaz, should also be taken as a place from where the Hajis could go to the Hedjaz with safety. My experience is that Calcutta is unpopular as a port of embarkation and the village Hajis suffer a lot there in many ways. Certain objections have been taken by certain friends that perhaps it will be more or less a compact body consisting of Mussalmans alone. But if anybody refers to the Bill in detail, he will find that the Calcutta Haj Committee will not be an one-sided affair.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I hope the Honourable Member will follow the ruling the Chair gave when Mr. Azhar Ali was on his legs. On the third reading the Honourable Member can only say whether he wishes to support or oppose the motion and he can give his reasons why he either opposes it or supports it. The Chair has been unable to know whether the Honourable Member has risen to support the third reading or to oppose it.

Mr. Muhammad Anwar-ul-Azim : Mr. President, it is manifest that I am supporting the passage of the Bill.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : But the Honourable Member should not go into such minute details.

Mr. Muhammad Anwar-ul-Azim : I will not do that. Sir, objection has been taken in some quarter that the Committee will consist of Mussalmans from Bengal alone, but, Mr. President, you will find that the power of nomination has been given to the Government. Seven members will be nominated and it is no where said that they all will be Mussalmans. As a matter of fact, the Local Government have got a very wide range for their selection. I should not be surprised if out of these seven seats kept for nomination even half of them may not go to the Mussalmans. So, if there is any misapprehension with regard to that in any quarter, my submission is that it is misplaced.

Now, with regard to the position of the *Ulemas*, I have not got much to say. It has been overdone by the previous speakers but perhaps it would have been better if it were possible for Government to find out some constituency for them to be represented on these Committees. In any case, there is some loophole here also. There is a clause which says that four members will be taken by co-optation. My submission to Government would be that perhaps while considering the composition of that Committee, out of the seven nominated members whom they will take, two would be non-officials and these two, or one of them, could be easily an *Ulema* of position, who could be trusted to take a broad and practical view of the whole matter.

Lastly, a great objection has also been taken by some of my Honourable friends with regard to the powers of the Local Government in the matter of future constitution of this committee. I do not know that the millennium will be coming by the change of constitution in my Province. A doubt may be lurking in the minds of some Honourable Members with regard to the various aspects of the Bill. The autonomous administration in the provinces will not be of the kind that will show grit and independence, and as such in a legislation from here, so much power should not have been given to them. I think this is a legitimate ground for their just fear.

I am certain, Mr. President, that for the first four years, the committee will be a hand-maiden of the Local Government and I wish it all good which a pious Moslem could hope for. With these few words, I support the third reading of this Bill.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I offer my sincere congratulations to the Muslim community for getting this piece of legislation passed. I also offer my congratulations to the Government for pushing on this Bill so very vigorously. It is well-known, Sir, that it was first moved by my friend, the late Sir Haroon Jaffer, who, it is a pity, is not in this world to see the fruition of his labours. It is well known that Hajis have many difficulties to meet with on their way to the Hedjaz and there are a number of unscrupulous people who take advantage of their ignorance and gullibility and many heart-rending cases have been exposed. I think the Haj Committees that will be established will give very useful help to the Hajis and make their passage to the Hedjaz and back as comfortable as possible. With these words, I offer again my congratulations to my Muslim friends.

Mr. M. Maswood Ahmad : I want to make my position very clear in this matter, namely, that in my opinion this Bill is useless for Mussalmans and so I neither support this Bill nor oppose it. I do not support, because it is not acceptable to Muslims, and I do not oppose, because I know it is of no use to oppose. The House is bent upon to pass it.

Mr. G. S. Bajpai : I do not think I need say anything at this stage.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is that the Bill, as amended, be passed.

The motion was adopted.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I move :

"That the Bill further to amend the Workmen's Compensation Act, 1923, be referred to a Select Committee consisting of Mr. G. Morgan, Mr. Satish Chandra Sen, Mr. S. G. Jog, Lala Rameshwar Prasad Bagla, Mr. S. C. Mitra, Mr. Abdul Matin Chaudhury, Mr. B. V. Jadhav, Mr. Muhammad Anwar-ul-Azim, Mr. R. T. H. Mackenzie, Kunwar Hajee Ismail Ali Khan, Mr. N. M. Joshi, Mr. K. Ahmed, Mr. H. P. Mody, Mr. K. P. Thampan, Dr. R. D. Dalal, Mr. A. G. Clow and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the committee shall be five."

Sir, it will be observed that the names I have read out differ in a few respects from those on the order paper. Mr. Govindu Reddy is unable to serve and Mr. S. G. Jog has been substituted for him. Haji Chaudhury Muhammad Ismail Khan has been included by mistake—probably not for the first time—for Kunwar Hajee Ismail Ali Khan. The names of Mr. Mody, Mr. K. P. Thampan and Dr. Dalal have been added and the services of these three Honourable Members will, I am sure, be of great value to the Committee.

It is I think, Sir, unnecessary for me at this late hour to say more than a very few words in support of this motion. When the Honourable Sir Joseph Bhore moved that this Bill should be circulated for the purpose of eliciting public opinion, he pointed out that the most important amendments embodied in the Bill related to the reduction in the waiting period, the exceptions embodied in the second proviso to section 3 (1) of the Act which operate to remove the liability of the employer in certain circumstances, the increase in the rates of compensation and the extension of the Act to a large number of industries to which it did not in the past apply. We have now received opinions on these and a number of less important amendments and their mass is very formidable. In print it runs, I think, to more than one hundred pages. Those opinions are very much what one might have expected. Most employers, though by no means all, think that the amendments of the Act are likely to add an appreciable burden to their shoulders at a time of unexampled depression. The protagonists of labour point of view hold the opposite opinion and think that the Bill does not go far enough. Most Local Governments—again, not all—the United Provinces Government, for example, think that the rates of compensation in the Act are sufficiently high already as far as their Province is concerned—most Local Governments hold that the Bill hits the happy mean. It is unnecessary for me to discuss the opinions in detail. They

will, I am sure, receive the most careful consideration at the hands of the Select Committee. Sir, I move :

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Motion moved :

" That the Bill further to amend the Workmen's Compensation Act, 1923, be referred to a Select Committee consisting of Mr. G. Morgan, Mr. Satish Chandra Sen, Mr. S. G. Jog, Lala Rameshwar Prasad Bagla, Mr. S. C. Mitra, Mr. Abdul Matin Chaudhury, Mr. B. V. Jadhav, Mr. Muhammad Anwar-ul-Azim, Mr. B. T. H. Mackenzie, Kunwar Hajee Ismail Ali Khan, Mr. N. M. Joshi, Mr. K. Ahmed, Mr. H. P. Mody, Mr. K. P. Thampan, Dr. R. D. Dalal, Mr. A. G. Clow and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the committee shall be five."

Mr. F. E. James (Madras : European) : Sir, I rise not to oppose the reference of the Bill to Select Committee, but to place on the record of the House the point of view of certain important interests which I represent. One of the most important provisions of the Bill is that it extends workmen's compensation to labourers on plantations. Now, Sir, the estates in Southern India both Indian and European feel that such extension is neither necessary nor advisable at the present time, and that it will be difficult from the administrative point of view. In the first place, they feel that the only labourers who require special protection are those working in factories, and they at present come under the terms of the Workmen's Compensation Act. The work in the fields is not hazardous and they do not feel that it is necessary to give statutory protection in connection with that labour. They also feel that the substitution of voluntary protection which is at present exercised by employers in many ways in the matter of accidents by compulsory legislation, will tend to lessen the harmony which at present undoubtedly does exist between labour and employer on estates in South India. Then, Sir, my constituents feel that this Bill is not advisable at the present moment from this point of view. Every one who is in touch with the planting industry is aware that at the present moment the planting industry in South India,—and I suppose the same is true to some extent in the North,—is fighting for its life. Low prices of products, and cut-throat competition from other countries, make it a very difficult proposition to run estates profitably ; and there are some estates in South India which are at present facing the possibility of closing down altogether, and with the consequent throwing of labour out of work. Therefore this section of my constituents feels strongly that any additional burden placed upon the industry at the present time is one which it will be very difficult for that industry to bear, and that it may result possibly in driving parts of it out of business altogether.

Then, Sir, there are industries in South India, quite apart from the planting industry, which feel that this new Bill with its greatly increased rates is going to impose an extremely heavy burden which at present under existing conditions they are not able to bear. You will observe, Sir, from the Bill that the rates of compensation are increased to a very large extent, varying in the case of half-monthly payments for temporary disablement from 150 per cent. increase in the case of low-paid workers, to 20 per cent. in the case of workmen earning Rs. 80 a month. It also provides for compensation for workmen earning up to Rs. 200 a month as against a limit of Rs. 80 under the present Schedule. This increase in the rates, it is considered, will result in an increased burden to industries generally at

[Mr. F. E. James.]

a time when they find it very difficult indeed to bear their existing commitments. In regard to plantation labour I need not stress the difficulty of fairly administering the Act. Accidents on the field are very rare indeed and it is extremely difficult to ascertain their causes. It was the view of one Association that there is a danger that the result of this Bill will be a rapid increase in the "suicides' club". I think that is probably an unfair view to take, but there is undoubtedly a danger that in agricultural labour on plantations there is grave danger of the Act being misused.

I will touch only very briefly on another difficult problem which we feel in the South and which is not felt in the North. The planting industries which I represent cover not only the South of British India but also large portions of Indian States. The result of this Bill will be that portions of these estates will come under the Act, and those portions of the estates which are in Indian States will not come under the Act. In some cases actually the estates will be divided. I would suggest that a measure like this should be on a federal basis, and that as there is an immediate probability of a federal government with jurisdiction over the whole of India, a measure of this kind should wait until it can be brought into effect throughout the whole country.

Then, Sir, there are two other points which I wish to make and I will draw the attention of the Select Committee to these two points. The Bill extends to plantations, on the basis that it is extended to non-hazardous occupations in organized industries. I think the committee should consider the possibility of extending it first to hazardous occupations in agriculture, such as pepper and cocoanut collecting and toddy tapping. There is far more risk of danger in these industries, some of which are definitely organised in South India, than in ordinary plantation work on tea, rubber, or coffee estates.

Then, Sir, the second point is that there are non-hazardous occupations in agricultural industry which do not at present come under the Bill. I am sure I shall not be regarded with favour by many of my friends when I venture to suggest that many zamindars employ large bodies of labourers on definitely organised industry on their estates, as for example in the collection and transport of agricultural produce. Why should they be exempt from the operation of this Bill if you are going to apply it to organised industries on plantations? I place these suggestions before the House because I may not have another opportunity of making them before the Select Committee sits; but I do not want anybody in the House to assume for one moment that the interests which I represent, and particularly the planting interests are opposed to the amelioration of the conditions of their labour. I think I may claim that within recent years there is no body of employers which has done more for its labour than the planting industry, by the provision of child welfare, hospitals, maternity benefits, dispensaries, schools and recreation facilities. Those who know conditions intimately know how much in recent years the conscience of the employers has been quickened in the matter of providing this amelioration of the social and economic condition of labour. But there are two things which I wish to say. The first is, that there is a danger,—and I impress this as strongly as I possibly can upon the House—there is a very definite danger that much of the present voluntary effort on the part of employers will be

curtailed by the extension of the principle of State interference. I do not think the experience of Europe, particularly the experience of England, in labour matters is always a safe guide ; and I think merely to copy labour legislation from English Acts is apt to prove either ineffective or dangerous. The second point I wish to make is, that organised industry should not be looked upon as a laboratory in which social experiments ought to be carried out. That is a very dangerous principle if that is once accepted by the State in this country. Having said that, and having laid down these two main principles, I do not oppose the reference of this Bill to Select Committee but I do most earnestly hope that the members of the Select Committee will consider the points that I have made in all sincerity and with the great restraint.

The Assembly then adjourned till Eleven of the Clock on Monday, the 19th September 1932.



LEGISLATIVE ASSEMBLY.

Monday, 19th September, 1932.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

MEMBER SWORN.

Lieut.-Colonel Alexander James Hutchison Russell, C.B.E., M.L.A.
(Government of India : Nominated Official).

QUESTIONS AND ANSWERS.

HEALTH OF MR. J. M. SEN-GUPTA IN JAIL.

378. ***Mr. S. C. Mitra** : (a) Is it a fact that Mr. J. M. Sen-Gupta has been kept in virtual solitary confinement ? If not, will Government be pleased to state whether Mr. Sen-Gupta is allowed to speak to or see other persons in the jail ? If so, who are the persons with whom he is allowed to speak in jail and for how long every day ? If he is not allowed to speak to or see other persons in jail, why have such restrictions been put upon him ?

(b) Is it a fact that according to the medical opinion the absence of society and fresh air has caused a bad effect on Mr. Sen-Gupta's health ? If not, do Government propose to obtain medical opinion on this point ? If not, why not ?

(c) Is it a fact that Mr. Sen-Gupta's blood pressure was over 180 m. m. and diastolic 122 in July, 1932 ? Is it a fact that it was about the same in February, 1932 ?

(d) Is it a fact that Mr. Sen-Gupta became seriously ill at Darjeeling ?

(e) Did Government consult their medical officers before Mr. Sen-Gupta's removal to Darjeeling as to whether a place with high altitude would be suitable for him, who was suffering from high blood pressure ? If not, why not ?

(f) Are Government aware that Mr. Sen-Gupta's blood pressure was about 160 before he was arrested under Regulation III ? If not, do they propose to enquire about it from Mr. Sen-Gupta's doctors ? If not, why not ?

(g) Did Mr. Sen-Gupta have continuous low fever several times during the period of his present imprisonment ? If so, when and for how long each time and for how many times ?

(h) If Mr. Sen-Gupta had low fever, did Government consult medical opinion as to the cause of it ? If not, why not ?

(873)

The Honourable Mr. H. G. Haig : (a) No. Mr. Sen-Gupta is allowed facilities for conversing with the Superintendent of the Jail and other members of the Jail staff who spend an hour or so in the morning and evening with him daily.

(b) Government are not aware of any medical opinion to this effect. The reports on his health show that it has improved. The necessity for obtaining any medical opinion on the point raised by the Honourable Member does not therefore arise.

(c) The figures given in the question are approximately correct.

(d) No.

(e) The point was not considered at the time of his arrest, but on the recommendations of the Civil Surgeon, Darjeeling, Mr. Sen-Gupta was removed to a lower altitude within about seven days.

(f) Government have no information regarding Mr. Sen-Gupta's blood pressure prior to his arrest under Regulation III of 1818 and removal to Darjeeling and do not consider any useful purpose would be served by obtaining this information now.

(g) He has suffered from one attack of fever only for about a week during the latter part of April last during which period his temperature in the evening varied from 99 to 99.8.

(h) The usual tests of blood and other factors were carried out for all specific infections and the findings in each case were negative. The question of consulting further medical opinion did not therefore arise.

Mr. K. C. Neogy : How is the Honourable Member in a position to state that Mr. Sen-Gupta is either improving or keeping good health unless he knows the state of health in which he was prior to his arrest ?

The Honourable Mr. H. G. Haig : I did not say that I was not aware of his state of health prior to his arrest : I said, I was not aware of the exact blood pressure.

Mr. K. C. Neogy : What is the information about his previous state of health that the Government had ?

The Honourable Mr. H. G. Haig : I think there is no difficulty in any competent medical officer forming an opinion as to whether over a period of four or five or six months a person's health is or is not improving.

Mr. K. C. Neogy : But I think the Honourable Member said that the Government had information as to his state of health before arrest. I want to know, what exact information the Government of India have.

The Honourable Mr. H. G. Haig : I said, the reports of his health show that it has improved.

Mr. S. C. Mitra : Will Government please explain what are the general steps they do take where State Prisoners are confined in one jail to provide them association ?

The Honourable Mr. H. G. Haig : I cannot say that there are any general steps ; I have already explained in answer to the Honourable Member's question what are the particular steps taken in the case of Mr. Sen-Gupta.

Mr. S. C. Mitra : May I take it that jail officers are asked to give him company by hours alternately ?

The Honourable Mr. H. G. Haig : That is what I have already stated.

Mr. B. V. Jadhav : So that he is always kept under surveillance in jail ?

The Honourable Mr. H. G. Haig : I am afraid I could not hear the Honourable Member's question.

Mr. M. Maswood Ahmad : Without consulting medical opinion, how can Government say that Mr. Sen-Gupta is improving ?

The Honourable Mr. H. G. Haig : I do not know what the Honourable Member means by saying "without consulting medical opinion". We have medical opinion.

Mr. M. Maswood Ahmad : The Honourable Member had said that Government did not see reason for further consultation.

MEDICAL TREATMENT OF MR. J. M. SEN-GUPTA IN JAIL.

379. ***Mr. S. C. Mitra :** (a) Did Mr. Sen-Gupta ask for Sir Nilratan Sircar, Dr. S. C. Sen-Gupta his cousin and family doctor, and Captain Dabiruddin Ahmad, the Police Surgeon of Calcutta, to be allowed to see him for medical consultation and advice ? If so, were they allowed to examine Mr. Sen-Gupta ? If not, why not ?

(b) Will Government be pleased to state what objection they had to allow Dr. Sen-Gupta, who is Mr. Sen-Gupta's first cousin to see him for medical advice and treatment ?

The Honourable Mr. H. G. Haig : (a) and (b). Mr. J. M. Sen-Gupta asked that he might be examined by Sir Nilratan Sircar and Dr. S. C. Sen-Gupta and both these doctors have been allowed to see him.

MAINTENANCE ALLOWANCE FOR THE DEPENDENTS OF MR. J. M. SEN-GUPTA WHILE IN JAIL.

380. ***Mr. S. C. Mitra :** (a) Is it a fact that Mrs. Sen-Gupta asked for Rs. 2,500 for Dwijen and Khitish, the dependents of Mr. Sen-Gupta ? If so, is it a fact that Government allowed only Rs. 1,000 ?

(b) Are Government aware that this reduction of the sum asked for is increasing the debts of Mrs. Sen-Gupta every month ? If not, do they propose to inquire into the matter ? If not, why not ?

The Honourable Mr. H. G. Haig : (a) In her application for an allowance Mrs. Sen-Gupta mentioned the names of these two persons as being clerks of her husband and stated that they required Rs. 75 per month each. As regards the allowance sanctioned for the support of Mr. Sen-Gupta's family, I would refer the Honourable Member to the reply given by me to clauses (b) and (c) of his question No. 197.

(b) I have no information about Mrs. Sen-Gupta's debts, and I do not propose to make an inquiry.

HEALTH FACILITIES FOR MR. J. M. SEN-GUPTA IN JAIL.

381. ***Mr. S. C. Mitra :** (a) Are Government aware that Mr. Sen-Gupta was all along used to an evening drive every day for keeping his health ?

(b) If so, do Government propose to arrange for an evening drive for Mr. Sen-Gupta with proper precautions and safeguards ? If not, why not ?

The Honourable Mr. H. G. Haig : (a) No.

(b) An application has recently been made by Mr. Sen-Gupta on medical grounds and is under the consideration of Government.

PAMPHLET ENTITLED "THE PROTECTION OF ENGLAND".

382. ***Mr. S. C. Mitra :** (a) Is it a fact that the Director of Public Information to the Government of India is distributing at Government expense a pamphlet entitled "The Protection of England" by Sir Stephen Tallents and published by Messrs. Faber and Faber, Limited ?

(b) Will Government be pleased to state the reason why this service is being rendered by Government to a private individual, and why such expenses are being incurred when there is so much financial stringency ?

The Honourable Mr. H. G. Haig : (a) and (b). It is presumed that the Honourable Member refers to a pamphlet entitled the "Protection of England". A few copies of this pamphlet were received by the Director of Public Information free of cost from England. The contents appearing to be of some popular interest, copies were despatched by him to certain papers and periodicals for review purposes. The total expenditure incurred was Rs. 1-10-0 for postage stamps.

RESTRICTIONS IN BURMA AND BENGAL FOR GERMAN AUTOMATIC REPEATENT ALARM PISTOLS.

†383. ***Mr. S. C. Mitra :** (a) Is it a fact that the purchase, sale or possession of German automatic repeatent alarm pistols do not require any licence in the whole of India with the exception of Burma and Bengal ?

(b) If so, will Government be pleased to state why such restrictions in Bengal and Burma have been imposed on such toys by Government ?

(c) Do Government propose to remove the said restrictions ; if not, why not ?

‡384.*

BIHAR AND ORISSA POSTAL CIRCLE.

385. ***Mr. Gaya Prasad Singh :** (a) Will Government kindly state if the proposal to abolish the Postal Circle of Bihar and Orissa has again been revived ? If so, are Government aware that when last time this proposal was mooted, there was strong public opposition in the Province ; and numerous protest meetings were held against the proposal ?

(b) Are Government aware that the volume of postal work in the Province of Bihar and Orissa is not much less than the volume of such work in many other Provinces ? Is there any proposal to abolish the

†For answer to this question, see answer to starred question No. 214.

‡This question was withdrawn by the questioner.

Postal Circle in other Provinces ? Will Government kindly place on the table a comparative statement showing the volume of postal work in all the Provinces of India ?

(c) Are Government aware that the abolition of the Postal Circle in Bihar and Orissa will result in great inconvenience and delay to the public of the Province ? And will they kindly state at whose initiation this proposal has again been mooted ; and also place on the table all correspondence on the subject ?

(d) Are Government aware that owing to frequent changes in the personnel of the Postmaster General, Bihar and Orissa, no important postal questions are initiated and tackled ; and that the public have to suffer in consequence ?

(e) Will Government kindly place on the table a statement showing the names of the Postmasters General, Bihar and Orissa, the period during which they held charge of their office, during the last six years ?

The Honourable Sir Frank Noyce : As regards parts (a) and (c) of the question, I would explain that the proposal has for some time been under examination, it was not revived after once being dropped ; but it has recently been definitely decided not to pursue it, as it is considered that the financial advantage that might be secured would be outweighed by the administrative objection to it.

In the circumstances I hardly think the Honourable Member will want answers to the remaining parts of his question.

Mr. Gaya Prasad Singh : I heartily thank the Honourable Member for his reassuring reply and, under the circumstances, I do not want to pursue the other parts of this question.

Mr. Gaya Prasad Singh : Since I gave notice of this question (No. 386†), I have received information that the racial discrimination complained of has been removed and, so, I do not want to ask this question.

†386. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that the Indian Station Masters on the East Indian Railway, in the grade of Rs. 200 and above used to get formerly the same sort of uniform dresses as the European Station Masters of the same grade ; but this year an order has been passed modifying the previous practice ; and uniforms have been supplied to the Indian Station Masters irrespective of their grade, and the importance of their stations ?

(b) Is it a fact that this year, an Indian Station Master in the grade of Rs. 350 has been supplied the same sort of uniform clothing, as the one drawing Rs. 60 only, and that this is not the case with the European Station Masters ?

(c) Will Government kindly place on the table a copy of the previous order in this respect, and the one which has been passed this year ?

(d) Is it a fact that the Divisional Superintendent, East Indian Railway, Allahabad, objected strongly to this new arrangement, but his objection was over-ruled by the higher Railway authorities ? Will Government place on the table a copy of his objection in this respect ?

(e) Have uniform been supplied to the Station Masters, East Indian Railway, according to their grade, or nationality ? If according to their grade, why Station Masters of Etawah and Mirzapur, for instance, have not been supplied with the same sort of uniforms as supplied to the Station Masters of Patna City, Kuel Junctions, and Jumna Bridge ? Are all of them in same grade ?

NOTICE SERVED BY THE DISTRICT MAGISTRATE OF MIDNAPUR ON A VEGETABLE SELLER UNDER AN ORDINANCE.

387. ***Mr. Gaya Prasad Singh :** Has the attention of Government been drawn to the following notice issued by the District Magistrate of Midnapur (Bengal), and published in the *Liberty*, dated the 4th August, 1932 ?

“Whereas it appears that you, Balai Guchhait, of village Chilmara, have been for long time in the habit of selling vegetables daily in Anandpur Bazar ; and whereas that either of your free-will, or by some outside influence, you have ceased selling vegetables in Anandpur, which action is prejudicial to the public peace, therefore under Section 4 of Ordinance G. of 1932, I direct that you for one month from date of receipt of this notice, will sell vegetables at least twice a week in Anandpur, and will report yourself each time you visit Anandpur to the Sub-Registrar of Anandpur.”

The Honourable Mr. H. G. Haig : I have seen the report in the paper referred to.

Mr. Gaya Prasad Singh : Will Government kindly state how discontinuance to sell vegetables is prejudicial to the public peace ?

The Honourable Mr. H. G. Haig : I have merely seen the report in a newspaper. I have no further information.

Mr. Gaya Prasad Singh : Is it a fact that the compelling of a man to sell a particular commodity against his wish was one of the objects for which the Ordinance was promulgated ?

The Honourable Mr. H. G. Haig : I would not suggest that it was one of the primary objects.

Sardar Sant Singh : Is it a secondary object ?

The Honourable Mr. H. G. Haig : I could imagine cases in which if a boycott against public servants had been instituted, there might be some justification for helping people to break the boycott.

Sardar Sant Singh : May I know how does it fulfil the object of the Government or the object of the law in directing a particular individual to sell this thing to Government servants ?

The Honourable Mr. H. G. Haig : I am afraid I am not acquainted with the conditions in the Midnapore district.

Mr. Gaya Prasad Singh : What I mean to ask is this : in this particular case this individual was asked or compelled to sell vegetables to the public and not to police officers or any Government servants : will Government kindly explain, how it comes under the Ordinance ?

The Honourable Mr. H. G. Haig : We merely have a newspaper report : but I am perfectly prepared if it will meet the Honourable Member to forward to the Government of Bengal a copy of these questions and answers.

Mr. K. C. Neogy : Will the Honourable Member be pleased to give us the name of this District Magistrate so that we can look for it in the next Honours List or in the list of inmates of the Ranchi Mental Hospital ?

The Honourable Mr. H. G. Haig : I have no doubt the Honourable Member will be able to find the name by referring to the Civil List.

ARREST AND RELEASE OF MAULANA MUJIB-UL-RAHMAN, A MEMBER OF THE ALL-INDIA 'JAMIAT-UL-ULEMA.'

388. ***Mr. Gaya Prasad Singh** : (a) Is it a fact that Maulana Mujib-ul-Rahman, a member of the All-India *Jamiat-ul-Ulema*, was arrested in Delhi in July, 1932, and was released after a week from the District Jail, Delhi, as no case could be established against him ?

(b) If so, why was he put to unnecessary trouble, harassment, and expense ? Has any punishment been given to those who were responsible for his arrest, or has the Maulana been awarded any compensation ?

The Honourable Mr. H. G. Haig : (a) Maulana Mujib-ul-Rahman was arrested on 15th July for an offence under section 17 (1) of the Criminal Law Amendment Act as it appeared from his speech that he had committed an offence. As, however, the evidence forthcoming was subsequently considered not strong enough to warrant the prosecution of the case he was discharged on the 21st July, 1932.

(b) There is no reason to hold that his arrest was unjustifiable and hence no question of punishment or compensation arises.

Mr. Gaya Prasad Singh : Is it not a fact, Sir, that this particular individual was arrested on insufficient evidence ?

The Honourable Mr. H. G. Haig : No, Sir ; I would not say that he was arrested on insufficient evidence, but eventually the prosecution decided that the case was not strong enough to go before a Court.

Mr. Gaya Prasad Singh : Then, Sir, does it not amount to arresting a person on insufficient evidence, because the case was not proceeded with ?

The Honourable Mr. H. G. Haig : No, Sir ; at the time of his arrest, the evidence appeared to be sufficient.

Mr. Gaya Prasad Singh : But it was not really so.

DISSATISFACTION AMONG TRAVELLING TICKET INSPECTORS AND EXAMINERS OF THE EAST INDIAN RAILWAY DUE TO THEIR TEMPORARY SCALES OF PAY.

389. ***Dr. Ziauddin Ahmad** : (a) Are Government aware that frequent experiments, viz., the T. T. I. system, the Crew system, followed by other changes, have been made by Divisional Superintendents on the East Indian Railway ?

(b) If so, are Government aware that these frequent experiments have given rise to a great deal of dissatisfaction among T. T. Is. and T. T. Es. on account of their remaining on temporary scales of pay ?

(c) Do the Railway Board propose to settle the question definitely ?

Mr. P. R. Bau : (a) Government are not aware of any experiments made by Divisional Superintendents who, except in regard to minor details, must act in this matter under instructions from their headquarters.

(b) In view of the reply given to part (a), this does not arise.

(c) It has now been decided to adopt, as a permanent measure, the

system of checking and collecting tickets recommended in the Moody-Ward Report on the East Indian Railway.

Dr. Ziauddin Ahmad : Has the Honourable gentleman read the questions put in this House in the last Session and also in the September Session ? There were a series of interpellations made upon this matter.

Mr. P. R. Rau : I have devoted a considerable amount of time to reading those questions.

Dr. Ziauddin Ahmad : I do not know what other methods are open to us to draw the attention of the Government, because a series of questions were put in the Assembly and the matter was also discussed in the debates. Will the Honourable gentleman tell me what other methods are open to us ?

(No reply.)

Dr. Ziauddin Ahmad : I want a reply to my question, Sir.

Mr. P. R. Rau : I do not know what is the question.

Dr. Ziauddin Ahmad : In view of the fact that we have drawn the attention of the Honourable Member repeatedly in the Assembly by means of questions and in debates and, also in view of the fact that his attention was also drawn in the Retrenchment Committee, I should like to know what are the other methods open to us by which we can draw his attention so that Government may not create discontent among the T. T. Es.' on account of their remaining on temporary scales of pay ?

Mr. P. R. Rau : All the suggestions of the Honourable Member have received very careful consideration. Government have settled the question definitely, as I said in reply to part (c) of the question by deciding that the system of checking and collecting tickets recommended by the Moody-Ward Committee should be adopted as a permanent measure on the E. I. Railway.

Dr. Ziauddin Ahmad : There is a good deal of excitement and discontent among the T. T. Es.' on account of the reduction in their pay and allowances. Will the Honourable gentleman settle this question justly and quickly ?

Mr. P. R. Rau : That point, Sir, is not what is referred to in this question. I think the Honourable Member is thinking of another question, of which he has given notice, and that question will arise at some future date.

FIRST CLASS PASSES GIVEN TO EUROPEAN AND ANGLO-INDIAN NURSES AND THE HEADMASTER OF THE OAKGROVE SCHOOL, ON THE EAST INDIAN RAILWAY.

390. ***Mr. M. Maswood Ahmad :** (a) Is it a fact that European and Anglo-Indian nurses and the Headmaster of the Oakgrove School on the East Indian Railway are allowed first class passes ?

(b) Do the nurses and the Headmaster referred to in part (a) belong to the superior service ?

(c) To what service do the Headmasters of the Indian High Schools on the East Indian Railway belong ? Is it not the same as that of the nurses and the Headmaster of the Oakgrove School ?

(d) Are the Headmasters of the Indian High Schools also granted first class passes by the East Indian Railway ? If not, why not ?

Mr. P. R. Rau : (a) Yes.

(b) No.

(c) The Headmasters of the Indian High Schools on the East Indian Railway hold a position analogous to that of the Upper subordinate grades of the railway. The question of the status of the staff of the Oakgrove School is under reference to the Agent, East Indian Railway, and I will lay a reply on the table in due course.

(d) No, for the reason stated in the reply to part (c).

**JUDGMENT OF BOMBAY HIGH COURT *re* DISTRIBUTION OF HANDBILLS
ADVOCATING BOYCOTT OF BRITISH GOODS.**

391. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to the judgment of the Chief Justice, and Justice Nanavati of the Bombay High Court, delivered in August, 1932, in which they quashed the conviction and sentence of Rs 50 imposed on five school boys by the Viramgam Magistrate, under section 17 (1) of the Criminal Law Amendment Act, for the distribution of hand bills advocating the boycott of British goods—the High Court holding that “mere distribution of hand bills advocating the boycott of British goods, did not in itself constitute an offence. In order to justify the conviction under section 17 (1), it was necessary to prove that the accused assisted the operation of an unlawful association by advocating the boycott of British goods” ?

(b) Are Government aware that innumerable cases have been occurring all over the country in which persons have been convicted and sentenced for merely advocating the boycott of British goods ?

The Honourable Mr. H. G. Haig : (a) I have seen a press report of the judgment referred to.

(b) I have no information to that effect.

COMPOSITION OF INDIAN REGIMENTS.

392. ***Mr. B. V. Jadhav** (on behalf of Rao Bahadur M. C. Rajah) : Will Government be pleased to state how many Indian regiments there are in the Indian Army, and will they kindly give the composition of the regiments (1) according to provinces, and (2) according to communities ?

Mr. G. R. F. Tottenham : The Honourable Member will, I think, find all the information he requires in the Indian Army List, which gives the class composition of all regiments. If he is in any doubt regarding any particular unit I shall be pleased to supply him with further information.

COMPOSITION AND STRENGTH OF MADRAS REGIMENTS.

393. ***Mr. B. V. Jadhav** (on behalf of Rao Bahadur M. C. Rajah) : Will Government be pleased to state the composition and strength of the present Madras regiments ?

Mr. G. R. F. Tottenham : A statement is laid on the table.

Unit.	Class Composition.	Authorised Strength.
The Q. V. O. Madras Sappers and Miners.	Madrasis all classes ..	British officers .. 39
		British other ranks .. 57
		Indian officers .. 51
		Indian other ranks .. 2,340
The 4th Indian Divisional Signals, Indian Signal Corps.	Madrasis	British officers .. 10
		British other ranks .. 109
		Indian officers .. 2
		Indian other ranks .. 148
The Waziristan District Signals, Indian Signal Corps.	Madrasis	British officers .. 11
		British other ranks .. 156
		Indian officers .. 4
		Indian other ranks .. 206
The Corps of Madras Pioneers	50 per cent. Tamils ..	British officers .. 30
	15 per cent. Telegus. . .	Indian officers .. 39
	35 per cent. <i>Adi-Dravidas</i> and Christians.	Indian other ranks .. 1,634

DISBANDMENT OF MADRAS REGIMENTS.

394. ***Mr. B. V. Jadhav** (on behalf of Rao Bahadur M. C. Rajah) : Will Government be pleased to state whether there is any proposal to disband the present Madras regiments, and if so, what decision have they come to ?

Mr. G. R. F. Tottenham : The abolition of all Pioneer units, referred to in reply to starred question No. 330, will involve the disappearance of the Corps of Madras Pioneers.

DISBANDMENT OF MADRAS REGIMENTS.

395. ***Mr. B. V. Jadhav** (on behalf of Rao Bahadur M. C. Rajah) : (a) Are Government aware of the proceedings of a public meeting which was held in Bangalore, attended by 50 prominent Indian officers of the army belonging to different units, wherein they unanimously resolved to send a memorial to Government praying that no more Madras regiments should be disbanded ? Have Government received that memorial ?

(b) Are Government aware that a great deal of uneasiness prevails on the subject, and will they be pleased to state what action they have taken or propose to take in order to allay that uneasiness ?

Mr. G. R. F. Tottenham : (a) A memorial has been received from certain pensioned Indian officers living in Bangalore.

(b) Government are aware of the feeling on the subject and they themselves regret the disappearance of a corps with such a fine record as the Madras Pioneers. They hope, however, that it will be possible to transfer a large number of Madrasis now serving in the Pioneers to Sapper and Miner units and to increase the number of Madrasis enlisted in future for these units.

CONVENTION CONCERNING SEAMEN'S ARTICLE OF AGREEMENT.

396. *Mr. N. M. Joshi : (a) Will Government be pleased to state whether they have formally ratified the Convention of the International Labour Organisation regarding Seamen's Article of Agreement ?

(b) If the Convention has not been ratified, will Government be pleased to state why they have not done so ?

The Honourable Sir C. P. Ramaswami Aiyar : (a) and (b). The Government of India have decided to ratify the International Convention concerning Seamen's Articles of Agreement and steps have been taken to communicate their decision to the Secretary General of the League of Nations.

CONVENTION CONCERNING THE MARKING OF WEIGHTS ON HEAVY PACKAGES TRANSPORTED BY VESSELS.

397. *Mr. N. M. Joshi : Will Government be pleased to state :

(a) what steps they have taken for the enforcement of the provisions of the Convention of the International Labour Organisation concerning the marking of weights on heavy packages transported by vessels ; and

(b) whether they are aware that the provisions of the Convention are actually being enforced ?

The Honourable Sir C. P. Ramaswami Aiyar : In consultation with the Local Governments and the Agent, Assam Bengal Railway, the Government of India came to the conclusion that for all practical purposes it was possible for the present to give effect to the provisions of the Draft Convention by means of bye-laws framed by the several Port Trusts, and at Chittagong, where the jetties belong to the Assam Bengal Railway by action under the Indian Railways Act. The several Port Trusts and the Agent, Assam Bengal Railway, have accordingly framed the necessary bye-laws.

2. The Government of India have no reason to believe that the provisions of the bye-laws (or in other words of the Convention) are not being enforced.

GOVERNMENT ORDERS NOT TO FILL IN ANY APPOINTMENT PERMANENTLY.

398. *Mr. N. M. Joshi : Will Government be pleased to state :

(a) whether the Government of India have issued orders not to fill in any appointment permanently with effect from the 15th July, 1931 ;

(b) whether the Director General, Posts and Telegraphs, issued similar orders much earlier to have effect from April, 1931,

and the Postmaster General, Bombay, directed similarly with effect from the 1st of July, 1930 ;

- (c) whether as a result the officials who have been holding vacant posts find it disadvantageous to proceed on leave, etc., owing to loss in emoluments, break in period counting towards increment in officiating posts and such other matters ; and
- (d) if the reply to above be in the affirmative, whether Government propose immediately to remove this disability by cancelling the said orders or whether they propose to minimise the hardship by confirming such officials on an analogy of Fundamental Rule 13 ?

The Honourable Sir Frank Noyce : (a) The orders of Government issued with effect from the 15th July, 1931, were that all persons not in Government service before that date should on appointment be given officiating status only. There were subsequent orders of the 24th September, 1931, which suspended for one year confirmations in posts which were likely to be dispensed with on account of retrenchment.

(b) The reply to the first part is in the affirmative. As regards the second part, orders to a similar effect were issued by the Postmaster General, Bombay, in June, 1930, in respect only of the non-filling up permanently of vacancies in certain posts in post offices in view of a proposal to reduce the status of some of these.

(c) Yes.

(d) The position is that so long as the retrenchment measures in the Posts and Telegraphs Department are not completed and pending the introduction of revised (reduced) scales of pay, vacancies likely to be affected by retrenchment are being filled on a provisional basis, that is in an officiating capacity. The Government of India realised that the orders in question may cause a certain amount of inconvenience to the officials directly affected, but that is inevitable meantime.

LOWER DIVISION POSTAL CLERKS AND STAMP VENDORS IN BOMBAY.

399. ***Mr. N. M. Joshi :** Will Government be pleased to state :

- (a) whether the pay of the lower division clerks and stamp vendors in Bombay is the same ;
- (b) whether the service of stamp vendors is inferior and non-pensionable ;
- (c) whether the cadre of the lower division clerks is considered higher and more responsible ;
- (d) whether the stamp vendors are, with a view to prove their fitness for appointment as lower division clerks, required to pass a test examination ; and
- (e) whether their posts are proposed to be converted to superior service carrying pension ?

Mr. T. Ryan : (a) Departmental stamp vendors in Bombay are paid on the same scale, namely, Rs. 60—4—100, as lower division clerks in that station.

(b) The service of departmental stamp vendors appointed on or after the 20th November, 1923, is inferior and non-pensionable, while those appointed prior to that date are in superior pensionable service.

(c) In general, yes. Departmental stamp vendors are treated as officials of the postmen class in all localities excepting those in Bombay, Rangoon, Madras and Calcutta (including Howrah and Alipore) whose duties and responsibilities are generally greater than those of men at other stations and who accordingly receive the same rate of pay as lower division clerks.

(d) Departmental stamp vendors like officials of the postmen class are required to pass a qualifying departmental test for promotion to posts of lower division clerks.

(e) The matter is under consideration but in view of the existing financial condition no early decision is likely.

RAILWAY MAIL SERVICE TRAINING CLASS AT BOMBAY.

400. ***Mr. N. M. Joshi** : Will Government be pleased to state :

- (a) whether the Railway Mail Service Training Class at Poona was discontinued and, if so, from what date ;
- (b) the date from which the same was reopened for training new recruits ;
- (c) whether the trained hands having various lengths of service in the Railway Mail Service were transferred to the Post Office and could have been retransferred to the Railway Mail Service ;
- (d) if the replies to above be in the affirmative, whether expenditure on reopening the Poona Railway Mail Service Training Class was a measure of economy ?

Mr. T. Ryan : The information is being obtained and will be laid on the table of the House in due course.

RECOVERY OF RENT FOR QUARTERS OCCUPIED BY POST OFFICE SIGNALLERS.

401. ***Mr. N. M. Joshi** : Will Government be pleased to state :

- (a) whether the signallers at certain Post Offices are provided with Government quarters ;
- (b) whether they were provided with rent free quarters till 1st May, 1931, since when the Department ordered recovery of house rent from them ;
- (c) whether this house-rent is recovered from those postal signallers whose presence is required in the interests of the department and, in certain cases, even from those who may not be occupying Government quarters ;
- (d) whether the All-India Postal and Railway Mail Service Union has protested against this unjust recovery and that no decision has yet been intimated to the Union ;
- (e) if reply to (d) be in the affirmative, whether Government have since come to a decision or propose to do so early ; and

- (f) whether the matter has been under consideration for over a year :

Mr. T. Ryan : (a) Yes.

(b) The concession of rent-free Government quarters to postal signalers continued up to the 10th May, 1931. Government decided to recover rent from these officials from the 11th May, 1931.

(c) As regards the first part of the question Government have no precise information, but it has been decided that the fact that an official's occupation of Government quarters is in the interests of the service will not exempt him from payment of rent for them.

As regards the second part of the question it is a general rule that the holder of a post to which Government quarters are allotted is liable for payment of rent even if he does not occupy the quarters, unless the allotment is altered or suspended.

(d) Yes, but I must not be understood as accepting the Honourable Member's adjective.

(e) As indicated in the reply to part (c) Government have recently arrived at a decision on the general question of the grant of free quarters to the staff of the Posts and Telegraphs Department. Orders will issue shortly.

(f) Yes.

GRANT OF POWERS TO TOWN INSPECTORS IN THE BOMBAY GENERAL POST OFFICE.

402. ***Mr. N. M. Joshi :** Will Government be pleased to state :

- (a) whether their examination of the question of granting powers, etc., to the Town Inspectors in the Bombay General Post Office has since been completed, and, if so, with what result ;
- (b) whether it is a fact that the question was taken up for enquiry as long ago as September, 1927, and no solution has been reached till July, 1932 ; and
- (c) the reasons for this period of delay ?

Mr. T. Ryan : (a), (b) and (c). The question of the powers of Town Inspectors has, as stated, been long unsettled. This is due to its disposal having had to be postponed pending developments which were likely to affect it. It is expected that a decision will be reached shortly.

LICENCE GRANTED TO SHIPPING BROKERS IN BOMBAY.

403. ***Mr. N. M. Joshi :** Will Government be pleased to state :

- (a) whether their attention has been drawn to recommendation No. 158 contained in Appendix I, page 506 of the Labour Commission's Report, viz., that "the licence granted under section 24 of the Indian Merchant Shipping Act should not be renewed" ;
- (b) the date on which the licence granted by the Local Government to the present Shipping Brokers in Bombay under the above section expires :

(c) the arrangements that Government propose to make after the termination of the present period of the licence ; and

(d) when Government propose to amend section 24 of the above Act so as to give effect to the above recommendation ?

The Honourable Sir C. P. Ramaswami Aiyar : (a) The recommendation is under the consideration of Government.

(b) The present licences expire on the 31st May, 1933.

(c) It has been decided that pending a decision on the recommendation the licences of the existing brokers may be renewed but that no new licences should be granted.

(d) Does not arise, as a final decision has not yet been reached on the recommendation.

Mr. N. M. Joshi : May I ask whether this is in accordance with the recommendation of the Royal Commission that the licenses should be renewed ?

The Honourable Sir C. P. Ramaswami Aiyar : What I was saying was that pending a decision on the recommendation, the licenses of existing brokers will be renewed, but that no new licenses will be granted.

Mr. N. M. Joshi : The question is, when will the licenses be ended ?

The Honourable Sir C. P. Ramaswami Aiyar : I do not know exactly the terms of the licenses, but presumably they are annual.

FUND COLLECTED BY SHIPPING COMPANIES IN BOMBAY FROM SALE OF PASSES TO VISITORS ON BOARD SHIPS.

404. ***Mr. N. M. Joshi :** Will Government be pleased to state :

(a) the total amount collected by the shipping companies in Bombay from the sale of passes to visitors on board ships during the last three years ;

(b) whether it is a fact that the amount is utilised in giving help to charitable institutions, like hospitals, infirmaries, etc. ;

(c) whether they are aware of the names of institutions and the amounts received by them as help during the period ;

(d) whether they are aware of the amount of the balance at present out of the fund ; and

(e) the name of the body that administers the fund ?

The Honourable Sir C. P. Ramaswami Aiyar : The attention of the Honourable Member is invited to the final reply placed on the table of the House on the 6th instant to a similar question asked by Mr. S. G. Jog on the 15th March, 1932.

RECOMMENDATIONS OF THE ROYAL COMMISSION ON LABOUR AS REGARDS
MIGRATION AND FACTORY WORKERS.

405. *Mr. N. M. Joshi : Will Government be pleased to state what action has been taken either by them or by any of the Provincial Governments on the various recommendations made by the Royal Commission on Indian Labour in Chapter 2 of their Report ?

The Honourable Sir Frank Noyce : I propose, Sir, with your permission, to deal jointly with questions Nos. 405 to 422 which relate to action taken both by the Government of India and the various provincial Governments on the recommendations of the Royal Commission on Labour. Steps are being taken to collect and tabulate particulars of all the action taken on the Commission's recommendations. The results will, I hope, be printed shortly and I shall take steps to see that they are made available to Honourable Members. If, as I anticipate, they fill a fairly bulky volume, sufficient copies will be placed in the Library of the House.

RECOMMENDATIONS OF THE ROYAL COMMISSION ON LABOUR AS REGARDS
FATORIES.

†406. *Mr. N. M. Joshi : Will Government be pleased to state what action, besides the circulation of a draft Bill for amending the Indian Factories Act, has been taken, either by them or by any of the Provincial Governments on the various recommendations made by the Royal Commission on Indian Labour in Chapters IV, VI and VII of their Report ?

RECOMMENDATIONS OF THE ROYAL COMMISSION ON LABOUR AS REGARDS MINES.

†407. *Mr. N. M. Joshi : Will Government be pleased to state what action has been taken, either by them or by any of the Provincial Governments concerned on the various recommendations made by the Royal Commission on Indian Labour as regards mines ?

RECOMMENDATIONS OF THE ROYAL COMMISSION ON LABOUR AS REGARDS
RAILWAYS.

†408. *Mr. N. M. Joshi : Will Government be pleased to state what action they have taken on the various recommendations made by the Royal Commission on Indian Labour as regards railways ?

RECOMMENDATIONS OF THE ROYAL COMMISSION ON LABOUR AS REGARDS
SEAMEN.

†409. *Mr. N. M. Joshi : Will Government be pleased to state what action has been taken either by them or by any of the Provincial Governments on the various recommendations made by the Royal Commission on Indian Labour as regards seamen ?

†For answer to this question, see answer to question No. 405.

RECOMMENDATIONS OF THE ROYAL COMMISSION ON LABOUR AS REGARDS DOCKS.

†410. ***Mr. N. M. Joshi :** Will Government be pleased to state what action has been taken either by them or by any of the Provincial Governments on the various recommendations made by the Royal Commission on Indian Labour as regards docks ?

RECOMMENDATIONS OF THE ROYAL COMMISSION ON LABOUR AS REGARDS ROAD TRANSPORT.

†411. ***Mr. N. M. Joshi :** Will Government be pleased to state what action has been taken either by them or by any of the Provincial Governments on the various recommendations made by the Royal Commission on Indian Labour as regards road transport ?

RECOMMENDATIONS OF THE ROYAL COMMISSION ON LABOUR AS REGARDS PUBLIC WORKS.

†412. ***Mr. N. M. Joshi :** Will Government be pleased to state what action has been taken by them or by any of the Provincial Governments on the various recommendations made by the Royal Commission on Indian Labour as regards public works ?

RECOMMENDATIONS OF THE ROYAL COMMISSION ON LABOUR AS REGARDS MINIMUM WAGES.

†413. ***Mr. N. M. Joshi :** Will Government be pleased to state what action has been taken either by them or by any of the Provincial Governments on the various recommendations made by the Royal Commission on Indian Labour as regards minimum wages ?

RECOMMENDATIONS OF THE ROYAL COMMISSION ON LABOUR AS REGARDS RESTRICTIONS ON THE SALE OF LIQUOR.

†414. ***Mr. N. M. Joshi :** Will Government be pleased to state what action has been taken either by them or by any of the Provincial Governments on the various recommendations made by the Royal Commission on Indian Labour as regards restrictions on the sale of liquor ?

RECOMMENDATIONS OF THE ROYAL COMMISSION ON LABOUR AS REGARDS DEDUCTION FROM WAGES.

†415. ***Mr. N. M. Joshi :** Will Government be pleased to state what action has been taken either by them or by any of the Provincial Governments on the various recommendations made by the Royal Commission on Indian Labour as regards deductions from wages ?

RECOMMENDATIONS OF THE ROYAL COMMISSION ON LABOUR AS REGARDS INDEBTEDNESS.

†416. ***Mr. N. M. Joshi :** Will Government be pleased to state what action has been taken either by them or by any of the Provincial Governments on the various recommendations made by the Royal Commission on Indian Labour as regards indebtedness ?

†For answer to this question, see answer to question No. 405.

**RECOMMENDATIONS OF THE ROYAL COMMISSION ON LABOUR AS REGARDS
HOUSING OF INDUSTRIAL WORKERS.**

†417. ***Mr. N. M. Joshi :** Will Government be pleased to state what action has been taken either by them or by any of the Provincial Governments on the various recommendations made by the Royal Commission on Indian Labour as regards housing of the industrial worker ?

**RECOMMENDATIONS OF THE ROYAL COMMISSION ON LABOUR AS REGARDS
MATERNITY BENEFIT LEGISLATION.**

†418. ***Mr. N. M. Joshi :** Will Government be pleased to state what action they have taken on the recommendations of the Royal Commission on Indian Labour as regards maternity benefit legislation ?

**RECOMMENDATIONS OF THE ROYAL COMMISSION ON LABOUR AS REGARDS
PROVISION FOR SICKNESS.**

†419. ***Mr. N. M. Joshi :** Will Government be pleased to state what action they have taken on the recommendations of the Royal Commission on Indian Labour as regards provision for sickness ?

**RECOMMENDATIONS OF THE ROYAL COMMISSION ON LABOUR AS REGARDS
PLANTATIONS.**

†420. ***Mr. N. M. Joshi :** Will Government be pleased to state what action has been taken, besides the Bill before the Assembly, either by them or by any of the Provincial Governments concerned on the recommendations made by the Royal Commission on Indian Labour as regards plantations ?

**RECOMMENDATIONS OF THE ROYAL COMMISSION ON LABOUR AS REGARDS
STATISTICS AND INTELLIGENCE.**

†421. ***Mr. N. M. Joshi :** Will Government be pleased to state what action has been taken either by them or by any of the Provincial Governments on the various recommendations made by the Royal Commission on Indian Labour as regards statistics and intelligence ?

**RECOMMENDATIONS OF THE ROYAL COMMISSION ON LABOUR AS REGARDS
APPOINTMENT OF LABOUR COMMISSIONERS.**

†422. ***Mr. N. M. Joshi :** Will Government be pleased to state what action has been taken by them or by the Provincial Governments as regards the appointment of Labour Commissioners as recommended by the Royal Commission on Indian Labour ?

APPOINTMENT OF INDIANS AS COLLECTORS OF CUSTOMS.

432. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state how many Indians are working as Collectors of Customs in India and where ?

(b) If there be none, will Government be pleased to state the reasons for it ?

† For answer to this question, see answer to question No. 405.

(c) Do Government propose to appoint Indians in these posts ? If not, why not ?

The Honourable Sir Alan Parsons : (a) One ; in Madras.

(b) Does not arise.

(c) Certainly.

COLLECTORS OF CUSTOMS AND REVENUE.

424. ***Mr. Lalchand Navalrai :** (a) Is it a fact that the Collectors of Customs are in a better cadre, with higher salaries than the Revenue Collectors ?

(b) Is it a fact that formerly both the Customs Collectors and Revenue Collectors belonged to the same cadre ?

(c) Will Government be pleased to state reasons for the present difference and do Government propose to bring both the Customs and Revenue Collectors on the same level ?

The Honourable Sir Alan Parsons : (a) On the average Collectors of Customs receive higher pay than Collectors of districts.

(b) Not since 1906 at any rate.

(c) There is no comparison between the duties of Collectors of Customs and those of Revenue Collectors.

Mr. Lalchand Navalrai : Do they get the same pay ?

The Honourable Sir Alan Parsons : No. The pay of the Collectors of Customs is on the whole higher than that of the Collectors of districts. They are on entirely different scales of pay, and there is no comparison between their duties or responsibilities.

Mr. Lalchand Navalrai : Are the duties of the Collectors of districts less responsible than those of the Collectors of Customs ?

The Honourable Sir Alan Parsons : I should not like to express an opinion.

Mr. Lalchand Navalrai : Apart from opinion, I want to get information. What is that greater responsibility which entitles them to more pay ?

The Honourable Sir Alan Parsons : It is not a question of comparison between the responsibilities of two sets of officers, who carry out entirely different duties. The only similarity between these two sets of officers is that both happen to be called Collectors.

Mr. Lalchand Navalrai : May I take it that the Honourable Member is not in a position to estimate the difference between the duties of these officers ?

The Honourable Sir Alan Parsons : I could give an account, but not in reply to a supplementary question, of the duties of Collectors of Customs, and from some experience, although not recent, of the duties of Collectors of districts. We cannot compare them in any way ; they are entirely dissimilar.

Mr. Lalchand Navalrai : Is it not necessary that this question of difference should be gone into in detail by the Government in order to

find out whether there should be any difference in the scales of pay of these officers ?

The Honourable Sir Alan Parsons : No. It would be an entire waste of time.

APPOINTMENT OF INDIANS AS PREVENTIVE INSPECTORS IN THE KARACHI CUSTOMS OFFICE.

425. ***Mr. Lalchand Navalrai :** (a) Is it a fact that there are three Preventive Inspectors, one European and two Anglo-Indians, on the preventive list of the Karachi Customs Office ?

(b) If so, why are there no men of other denominations as Inspectors ?

(c) Is it a fact that one or two out of these three Inspectors are likely to retire soon ?

(d) If so, do Government propose to fill up these places by Indians ?

The Honourable Sir Alan Parsons : (a) There are three Preventive Inspectors, viz., one European, one Anglo-Indian and one Syrian.

(b) Inspectors are appointed according to merit and seniority. No officer of other denominations has been superseded.

(c) No.

(d) Does not arise.

PREVENTIVE OFFICERS IN THE KARACHI CUSTOMS OFFICE.

426. ***Mr. Lalchand Navalrai :** (a) Is it a fact that there are 19 Europeans and three Anglo-Indians as preventive officers in the Karachi Customs Office out of 37 ?

(b) If the answer to part (a) be in the negative, how many are there of that denomination ? If the answer to part (a) be in the affirmative, are Government prepared to equalise the number by increasing the number of men of other denominations ?

The Honourable Sir Alan Parsons : (a) No.

(b) The figures are :

Europeans	..	..	..	..	13
Anglo-Indians	..	..	..	..	6
Others	..	..	..	..	14
					—
Total	..				33
					—

PROMOTION TO THE GRADE OF EXAMINERS IN THE KARACHI CUSTOMS HOUSE.

427. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state the number of clerks who have been raised in due course to the posts of Examiners in the Karachi Customs House and when were they so raised ?

(b) Is it a fact that during the last five years no clerk has been promoted to the grade of Examiners ? If so, why has this happened ?

(c) Has any direct recruitment to the post of Examiners been made during the past five years ? If so, when and in how many cases ?

(d) Are Government aware of the disappointment of the deserving clerks who are affected by direct appointments being made to the post of Examiners ?

(e) Do Government propose to fix the percentage for promotion to the grade of Examiners from amongst the clerks and for direct recruitment ? If not, why not ?

The Honourable Sir Alan Parsons : (a) Seven of the present staff of twelve Examiners were promoted from the clerical staff as follows :

1 in 1921.

1 in 1922.

3 in 1925.

1 in 1926.

1 in 1927.

(b) The last occasion on which a clerk was permanently appointed to the grade of Examiners was in August, 1927. (Clerks have officiated on occasions.)

(c) Yes, as follows :

1 in 1927.

1 in 1930.

1 in 1932.

(d) The qualifications for an Examiner's post are different from those for a clerical post. There are 122 clerks whereas there are 12 Examiners and when a clerk is appointed he cannot entertain much hope of being appointed an Examiner. It is only in exceptional instances that clerks are found to be suitable for transfer to the Examiners' grade.

(e) It is not as just explained practicable to fix any percentage for promotion of clerks.

PROMOTION OF LOWER AND UPPER GRADE CLERKS IN THE KARACHI CUSTOMS HOUSE.

428. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state how are promotions given amongst the clerks of lower and upper grade in the Karachi Customs House—whether by seniority or by selection ?

(b) If by selection, are Government aware that this system has caused disappointment to the deserving senior men ?

(c) Do Government propose to recognise the claims of the senior clerks for promotion and fix a percentage for promotion from amongst them ?

The Honourable Sir Alan Parsons : (a) By selection, seniority being always given adequate weight.

(b) No deserving senior clerk has been passed over for promotion from the lower division to the upper division.

(c) As a general rule one-third of the vacancies in the upper division of clerks are given to non-graduate clerks. Efficiency would suffer if promotion to the upper division and higher selection posts were regulated by seniority alone.

SINDHIS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

429. ***Mr. Lalchand Navalrai :** (a) Has the attention of Government been drawn to the article in the *Sind Observer*, Karachi, dated 30th July, 1932, under the heading "Sindhis in Posts and Telegraphs Department" regarding the unfair treatment meted out to the Sindhis, both Hindus and Muhammadans ?

(b) What steps do Government propose to take to remove the aforesaid complaint ?

The Honourable Sir Frank Noyce : (a) and (b). Government have seen the article in question and the attention of the Director of Posts and Telegraphs, Sind and Baluchistan Circle, is being drawn to the matter.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to find out how it has been disposed of ?

The Honourable Sir Frank Noyce : I will certainly ask the Director to report.

SINDHIS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

430. ***Mr. Lalchand Navalrai :** (a) Is it a fact that there are five Superintendents of Post Offices in the Sind and Baluchistan Circles, all of whom are non-Sindhis—four Punjabis and one Anglo-Indian ?

(b) Is it a fact that there are 24 clerks in the office of the Director of Post Offices, Karachi, out of whom 19 are outsiders—non-Sindhis ?

(c) Is it a fact that out of the employees in the Persian Gulf Post Offices two are on the reserve list and out of the other 12, eleven are non-Sindhis ?

(d) If the answer to parts (a) to (c) be in the negative, will Government be pleased to state the actual number and the reason for maintaining non-Sindhis in preference to Sindhis ?

The Honourable Sir Frank Noyce : (a) Yes, except that of the existing incumbent only one is a Punjabi and none, Anglo-Indian.

(b) There are actually 29 clerks, of whom 20 are non-Sindhis.

(c) There are actually 13 posts in the Persian Gulf post offices, of which 6 are at present held by Sindhis.

(d) In making fresh recruitment to clerical posts, suitable Sindhi candidates are given preference to others. In the matter of promotion from one grade to another or of postings of Superintendents of Post Offices, the question of communal or racial consideration does not arise.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to consider the question of having a Sindhi as Superintendent of Post Offices when the next nominations come up ?

The Honourable Sir Frank Noyce : I have already stated that it is only in making fresh recruitments that suitable Sindhi candidates can be given preference over others.

RULES FOR ALLOTMENT OF CLERKS' QUARTERS IN SIMLA.

431. *Mr. S. C. Mitra : (a) Will Government please state if it is a fact :

- (i) that in the allotment of clerks' quarters in Simla preference is given to the lowest paid men eligible for a particular class of quarter and that house-rent allowances are paid to the higher paid employees entitled to that class or type of quarter ;
- (ii) that a large number of quarters is allotted to men in the attached offices, and if so, the reason for doing so ;
- (iii) that the full amount of house-rent is withheld from men in the Secretariat who are allotted quarters while only ten per cent. of pay is recovered from employees in attached offices ; and
- (iv) that the house-rent of Secretariat employees is higher than ten per cent. of their pay ?

(b) Do Government contemplate amending the allotment rules for Simla quarters in order to obtain the fullest benefit to public revenues ?

The Honourable Sir Frank Noyce : (a) (i) Other things being equal preference in allotments within each class of houses is given to clerks drawing low pay. Clerks who are in occupation of Government quarters do not draw house-rent allowance.

(ii) Clerks in the attached offices occupy a number of Government quarters. This is because they are also entitled to Government quarters and are allotted quarters in accordance with the rules governing the allotment of such quarters.

(iii) House-rent allowance is withheld in full from Secretariat clerks who are allotted quarters. Clerks in attached offices are not as a general rule entitled to house-rent allowance. They pay as rent up to ten per cent. of their pay.

(iv) The house-rent allowance of Secretariat clerks is higher than ten per cent. of their pay.

(b) Not at present. An amendment of the rules to effect a maximum return of rent to Government would be detrimental to the interests of the lower paid clerks who stand in the greatest need of relief in the matter of house accommodation at Simla.

Dr Ziauddin Ahmad : Am I to understand that the house-rent allowance of Secretariat employees is higher than ten per cent. ?

The Honourable Sir Frank Noyce : I have said so—that the house-rent allowance of Secretariat clerks is higher than ten per cent. of their pay.

Dr. Ziauddin Ahmad : When the Government rule is to charge not more than ten per cent., is it not unjust to charge more than ten per cent. ?

The Honourable Sir Frank Noyce : I should like to have notice of that question.

CONSTRUCTION OF BUILDINGS FOR MILITARY COLLEGE AT DEHRA DUN BY THE DELHI PUBLIC WORKS DEPARTMENT.

432. *Mr. S. C. Mitra : (a) Is it a fact that the construction of buildings for the military college at Dehra Dun has been entrusted to the Delhi Public Works Department ?

(b) If so, what is the rate settled for departmental charges which the Army will pay to the Delhi Public Works Department ? What was the original figure proposed ?

(c) Is it a fact that the retention or abolition of one Circle in the Delhi Public Works Department depended on the securing of the construction of the military college for the Delhi Public Works Department ?

(d) Will Government please state how the percentage of establishment charges to works has varied in Delhi during the past five years and whether Government are in a position to state how it compares with similar percentages in the United Provinces and the Punjab ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) 17½ per cent.—16 per cent. for establishment (including 1 per cent. for audit) and 1½ per cent. for tools and plant. This is the figure which was originally proposed.

(c) The taking over by the Central Public Works Department of the work connected with the location of the Indian Military Academy at Dehra Dun was an additional reason for maintaining the present number of Superintending Engineers in the Central Public Works Department.

(d) The percentages the net cost of the total establishment of the Public Works Department bore to the total expenditure on works and repairs in Delhi, the United Provinces and the Punjab, during the years 1927-28 to 1930-31 are given in the Finance and Revenue Accounts of the Government of India and were as follows :

			Dehli New Capital works.	Delhi Province.	United Provinces.	Punjab.
1927-28	..	..	15.78	17.08	31.41	32.52
1928-29	..	..	17.65	17.42	30.54	34.20
1929-30	..	..	14.85	14.47	38.33	42.33
1930-31	..	..	19.92	20.25	49.76	51.17

The figures for 1931-32 are not available. The figures in respect of the United Provinces and the Punjab are combined figures for Civil Works and Irrigation Works, separate figures not being readily available.

PURCHASE OF STORES BY THE INDIAN STORES DEPARTMENT.

433. *Mr. S. C. Mitra : (a) Is it a fact that the Indian Stores Department levies a charge on the purchasing departments for stores purchased through it ?

(b) Does not that charge represent the whole of the revenue of the Indian Stores Department ?

(c) How do the prices obtained by the Indian Stores Department compare with those ruling in the market ?

The Honourable Sir Frank Noyce : (a) The Department does not make any charge to the non-commercial civil Departments of the Central Government. It makes a charge for stores purchased on behalf of other authorities.

(b) No. Besides the Departmental charges for the purchase of stores, the earnings of the Indian Stores Department also include :

- (1) Departmental charges for the inspection of stores purchased through it, if inspection is required.
- (2) Fees for inspection of stores purchased by other authorities.
- (3) Fees for tests and analyses, etc., carried out at the Government Test House and the Metallurgical Inspectorate.
- (4) Miscellaneous receipts, for rents of Government quarters provided for the staff at Jamshedpur and Cawnpore, sale proceeds of tender forms, etc.

(c) The Indian Stores Department conducts the business entrusted to it in accordance with principles which have been approved by Government. Purchases are made by inviting tenders and every endeavour is made to obtain the widest possible competition. The lowest satisfactory tenders are accepted and Government have no reason to think that these do not reflect the best prices obtainable in the market for supplies in accordance with the requirements.

PUBLIC SERVICE COMMISSION EXAMINATION FOR RECRUITMENT OF ROUTINE DIVISION CLERKS OF THE IMPERIAL SECRETARIAT.

434. *Mr. S. C. Mitra : (a) Is it a fact that about 100 candidates qualified for the routine division of the Secretariat at the last examination held by the Public Service Commission ?

(b) Is it also a fact that more than 80 of the candidates have been provided with permanent employment ? If not, how many have been so provided ?

(c) Are some of the remaining candidates now employed in temporary vacancies ?

(d) How many permanent vacancies are expected to occur during the next year ?

(e) Will Government please state whether the candidates numbering 20 or so still remaining to be provided will get preference over the candidates who qualify at the proposed examination in November ?

(f) If the answer to part (e) is in the negative, will Government please state the reason and the necessity for holding another examination when these qualified men with office experience are available ?

The Honourable Mr. H. G. Haig : (a) The examination was a competitive one. 100 candidates obtained not less than the minimum qualifying mark fixed for the examination.

(b) 68 candidates have been appointed to permanent vacancies. Five have been offered permanent appointments but have not yet joined.

(c) Yes.

(d) It is not possible to forecast with any accuracy the number of vacancies that will occur next year.

(e) No.

(f) Under the present system of recruitment, examinations are held to fill vacancies occurring during specific periods and candidates who compete in one examination but fail to secure vacancies to be filled on the results of that examination have no claim to vacancies to be filled on the results of a subsequent examination. As candidates are aware of this condition, they have no ground for complaint.

Dr. Ziauddin Ahmad : Is this examination a qualifying one or a competitive one ?

The Honourable Mr. H. G. Haig : It is a competitive one.

Dr. Ziauddin Ahmad : Am I to understand that only as many candidates are allowed to pass as there are vacancies ?

The Honourable Mr. H. G. Haig : A certain number of vacancies are to be filled and they are filled by those who stand highest in the examination.

Dr. Ziauddin Ahmad : My question was different. If the examination is a competitive one, then as many candidates will be declared to have passed as there are number of vacancies and, therefore, the question of appointing the rest does not arise ?

The Honourable Mr. H. G. Haig : That is so, Sir, but there is a certain complication introduced which may possibly give rise to a little misunderstanding. We have also a minimum qualifying mark fixed. Any candidate who does not secure that, even if there were a vacancy for him, would not be appointed.

Mr. Gaya Prasad Singh : May I take it that those who obtain the highest number of marks are invariably appointed ?

The Honourable Mr. H. G. Haig : I cannot say that. The system may be affected to some extent by our communal rules.

Dr. Ziauddin Ahmad : Is it not the case then that certain persons who attain a minimum standard are also declared to have passed ? Then it is a qualifying examination, not a competitive one ?

The Honourable Mr. H. G. Haig : I do not think I should say that they were declared to have passed. All that is said that they have obtained a minimum qualifying mark. Those who have passed are really those to whom appointments could be offered.

Mr. Gaya Prasad Singh : Is it a fact that some of those candidates who have obtained lesser marks are appointed over the top of those who have obtained higher marks.

The Honourable Mr. H. G. Haig : I think the object of having a minimum qualifying mark is that nobody should be appointed who has not secured that minimum mark.

Dr. Ziauddin Ahmad : Are the examinations held every year ?

The Honourable Mr. H. G. Haig : At present the system is to hold the examination every year for the number of vacancies that occur during that year.

APPOINTMENT OF THE CHIEF SUPERINTENDENT IN THE FINANCE DEPARTMENT.

435. ***Mr. S. C. Mitra :** (a) Is it a fact that an officer in the Finance Department made proposals for the retrenchment of all Indian Superintendents ? If so, why ?

(b) Is it a fact that he has given an undertaking to the Anglo-Indian Superintendent that the latter would be made Chief Superintendent over his seniors ? Is it a fact that it has been decided that the Anglo-Indian Superintendent will be appointed Chief Superintendent on return from leave ?

(c) If the answer to part (b) is in the negative, are Government prepared to order that the post of Chief Superintendent should go to the seniormost Superintendent ?

The Honourable Sir Alan Parsons : (a) and (b). No.

(c) It is intended that the post should be filled by strict selection.

APPOINTMENTS VACANT IN THE FINANCE DEPARTMENT.

436. ***Mr. S. C. Mitra :** (a) Is it a fact that some appointments are vacant in (i) the Upper Division Upper Time-Scale and (ii) the Lower Division Selection Grade in the Finance Department ?

(b) If so, how long have these appointments been vacant ? When do Government propose to fill them ?

(c) Is it a fact that appointment to these grades is intended to be governed by selection ? If so, how many appointments in the past to these grades have been made by selection ?

(d) Do Government propose to consider the relative merits of the whole staff with a view to giving promotions to the best men in the appointments that are vacant ?

The Honourable Sir Alan Parsons : (a) and (b). One appointment is vacant in the second division special grade of the Finance Department, with effect from the 20th July, 1932. The claim of a candidate to fill it is under active consideration.

(c) Yes : selection subject to the fulfilment of certain specified conditions has been the traditional practice in Finance Department.

(d) Does not arise.

SCHEME FOR SEPARATION OF FOREIGN POSTS WORK.

437. ***Mr. N. M. Joshi** : Will Government be pleased to state :

- (a) the date from which the scheme of the separation of Foreign Post work was approved of by them as an experimental measure ;
- (b) the period for which it was originally sanctioned and the periods of extensions granted, if any ;
- (c) whether the Directorate, the Postmasters' Union and the Postal Union are opposed to the measure ;
- (d) whether the Postmasters' Union has suggested a measure for the working of the Foreign Post ; and
- (e) if the replies to the above be in the affirmative, whether, in view of the opposition to the scheme, Government propose to consider the question of abolishing the separation and giving effect to the measure suggested in its place by one of the Unions ?

The Honourable Sir Frank Noyce : (a) and (b). The scheme of centralisation of Foreign Post work in Bombay was introduced, as a temporary measure, for 6 months, with effect from the 1st November 1931. It was extended first for a period of 2 months and subsequently for a further period.

(c) It is a fact that criticisms of the scheme have been received from the Postmasters' Association and the All-India Postal and Railway Mail Service Union. As regards the Directorate no final decision on the suitability of the scheme has yet been reached.

(d) Yes, but there are reasons to think that it is impracticable.

(e) The scheme aims at greater efficiency as well as economy, and as it is still under trial Government are not prepared to make any definite statement at this stage.

SPECIAL PAYS AND ALLOWANCES ENJOYED BY THE STAFF OF THE GOVERNMENT OF INDIA.

438. ***Mr. S. C. Mitra** : Have Government undertaken the overhauling of the special pays and allowances granted to servants of the Central Government as recommended by the General Purposes Retrenchment Committee ?

The Honourable Sir Alan Parsons : Yes.

ACTION ON RECOMMENDATIONS OF THE GENERAL PURPOSES SUB-COMMITTEE.

439. ***Mr. S. C. Mitra** : Will Government please state what action has been taken on the recommendations in the first chapter of each of the three reports of the General Purposes Sub-Committee of the Retrenchment Advisory Committee ?

The Honourable Sir Alan Parsons : Part III of the Report has only recently been published and is still under the consideration of Government. The first chapters of Parts I and II contain general observa-

tions, interspersed with suggestions which have been repeated under the respective heads of Demands. For the action taken on them the Honourable Member is referred to the "Summary of the results of retrenchment operations in Civil expenditure and in Military estimates" which was laid on the table of the House during the last Budget session.

NUMBER OF INDIANS AND EUROPEANS RETRENCHED IN THE GOVERNMENT OF INDIA DEPARTMENTS.

440. ***Mr. S. C. Mitra** : Will Government please state how many (a) Indian and (b) European officers have been retrenched as a result of the retrenchment campaign in the different Departments of the Government of India ?

The Honourable Mr. H. G. Haig : Information is being collected and, when complete, will be laid on the table.

REDUCTION OF THE OVERSEAS PAY PAID IN ENGLAND.

441. ***Mr. S. C. Mitra** : Do Government propose, as a measure of economy, to reduce the overseas pay paid in England to the level of the overseas pay paid in India ?

The Honourable Sir Alan Parsons : No.

LEE CONCESSIONS GRANTED TO PERSONS APPOINTED IN INDIA.

442. ***Mr. S. C. Mitra** : (a) Is it a fact that some of the Lee concessions have been granted to subordinate and ministerial employees of Government ? Is it also a fact that in cases of doubtful domicile the benefit has been given to the Government servants concerned ? Is it not a fact that Anglo-Indians have received the benefit of the concessions intended for persons who were recruited from Europe ?

(b) Are Government prepared to consider the cancellation of the Lee concessions granted to persons appointed in India ?

The Honourable Mr. H. G. Haig : (a) Certain passage concessions have been given to members of non-Superior Services who are of non-Asiatic domicile provided they satisfy the conditions laid down in the Home Department Memorandum No. F.10/4/30-Establishments, dated the 6th August, 1930, a copy of which will be found in the Library. Domicile is determined in accordance with the provisions laid down in Appendix B to Schedule IV to the Superior Civil Services Rules. An Anglo-Indian is entitled to the concession if he proves that he has a European domicile. The question is not dependent on race.

(b) No, Sir. The grant of this concession is carefully restricted, as the orders I have mentioned above show.

Mr. K. C. Neogy : In the case of those Anglo-Indians whose domicile has been declared to be non-Indian, has any note been taken of these instances in connection with the figures for Indianisation supplied in reply to questions asked in this House or in other official statements ?

The Honourable Mr. H. G. Haig : You mean, "are they regarded as non-Indians?" We are referring of course to the non-superior services, and I am not sure that we have given any figures of Indianisation. There are very few non-Indians in these services.

Dr. Ziauddin Ahmad : The question was, "should not all those persons who are drawing these concessions be classed as non-Indian?"

The Honourable Mr. H. G. Haig : That certainly is a point that deserves consideration.

Mr. K. C. Neogy : Well, there are certain Indians who do get the Lee concessions.

Mr. Lalchand Navalrai : In view of the general complaint that the Lee concessions should be abolished, is there any likelihood of revising them or taking them away?

The Honourable Mr. H. G. Haig : No, Sir. I can hold out no prospect of such a contingency. (Laughter.)

Mr. Lalchand Navalrai : What are the reasons for holding out no prospect?

The Honourable Mr. H. G. Haig : I think, Sir, this question is coming under discussion in connection with a Resolution.

Mr. K. C. Neogy : Will the Honourable Member kindly examine the position and find out exactly whether, for purposes of Indianisation figures, these Anglo-Indians whose domicile has been declared to be non-Indian are treated as Indians or not, either in the superior or in the inferior services?

The Honourable Mr. H. G. Haig : I think the position is as stated by the Honourable Member, but I shall make inquiries.

Mr. K. C. Neogy : Thank you.

REDUCTION IN DINING CAR AND OTHER CHARGES ON RAILWAYS.

443. ***Mr. S. C. Mitra :** (a) Are Government aware that :

- (i) the dining car charges on railway trains have not been reduced ;
- (ii) the conveyance charges are what they were two years before ;
- (iii) no reduction has been made in the third class fares for servants,
- (iv) the reduction of the travelling allowance from one and three-fifth fare has involved a hardship on Government servants who go on tour ; and
- (v) the reduction of the travelling allowance has resulted in less touring ?

(b) Do Government propose to lay down a schedule of rates which dining car contractors, hotel-keepers, etc., should charge Government servants in order that the total expense may not exceed the allowance paid by Government ?

Mr. P. R. Rau : (a) (i). The charges for meals supplied in dining cars are settled by Railway Administrations with their dining car con-

tractors without any reference to Government who are, therefore, not aware of the alterations made in these charges from time to time.

(ii) Government have no information.

(iii) Yes.

(iv) No. The reason for the reduction of the supplement for railway journeys from three-fifths to one half of a fare was the general increase in railway fares from the 1st October, 1931, which had the effect of generally making the cash value of the reduced supplement about equal to that of the former supplement.

(v) No.

(b) Government do not propose to interfere in the fixing of the tariff of charges for meals supplied in dining cars, and they are not in a position to influence the rates charged in hotels, etc.

Dr. Ziauddin Ahmad : Sir, in view of the fact that the Honourable gentleman always travels under extraordinary concessions and that, therefore, he is not in a position to judge the real effect of the answer to part (iv) of the question, is any other member of the Civil Service or other able to answer this part of the question ?

Mr. P. R. Rau : I did not catch the point, Sir.

Dr. Ziauddin Ahmad : With reference to the answer to paragraph (iv) of the question, in view of the fact that the Honourable gentleman of the Railway Board always travels under extraordinary concessions and never pays for his luggage and other services, will any other member of the services who travels under these conditions reply to this part of the question ?

Mr. P. R. Rau : It does not concern me, I understand ?

CARETAKERS OF THE IMPERIAL SECRETARIAT BUILDINGS AND THE LEGISLATIVE BUILDINGS, NEW DELHI.

444. ***Mr. S. C. Mitra :** (a) Is it a fact that one Mr. Palmer was the Superintendent Caretaker of the Imperial Secretariat Buildings as well as the Caretaker of the Legislative Buildings, New Delhi ? If so, for how long was he in charge of both those buildings ?

(b) Is it a fact that two different caretakers for the Secretariat buildings and the Legislative buildings have now been appointed ? If so, why in place of one caretaker two have been appointed ?

The Honourable Sir Frank Noyce : (a) Mr. Palmer was appointed as Superintendent, Caretaker of the Imperial Secretariat Buildings in 1926. He was also in charge of the Council House from January, 1930, to April, 1932.

(b) Yes. But there was no increase in the number of appointments. Mr. Palmer was formerly assisted by an Assistant Caretaker and there was a separate Caretaker for certain buildings in Old Delhi. As a matter of administrative convenience, the Assistant Caretaker was posted to the charge of the buildings in Old Delhi and the Caretaker for Old Delhi was transferred to the charge of the Council House and of certain other work.

Mr. Gaya Prasad Singh : May I know whether this new arrangement has resulted in any increased expenditure to Government ?

The Honourable Sir Frank Noyce : Not so far as I am aware.

CONVEYANCE ALLOWANCE FOR THE CARETAKER OF THE LEGISLATIVE BUILDINGS, NEW DELHI.

445. ***Mr. S. C. Mitra :** Is it a fact that the present caretaker of the Legislative buildings, New Delhi, has been put in charge of the surplus furniture of Old Delhi as well and is it a fact that he has been allowed conveyance allowance for going to and coming from Old Delhi ? Is it a fact that this caretaker used to draw a motor cycle allowance when he was caretaker of Old Delhi ? If so, will Government be pleased to state whether that conveyance allowance is being paid to the present caretaker of Old Delhi ? If not, why not ?

The Honourable Sir Frank Noyce : (a) The present Caretaker of the Council House at New Delhi, is in charge of the surplus furniture at New and Old Delhi, but receives no conveyance allowance on that account.

(b) He used to draw a Motor Cycle Allowance when he was in Old Delhi as he had other duties in addition to those of Caretaker. No conveyance allowance is paid to the present Caretaker in Old Delhi as he has no such additional duties to perform.

APPOINTMENT OF INDIANS AS CARETAKERS OF GOVERNMENT BUILDINGS IN NEW DELHI AND SIMLA.

446. ***Mr. S. C. Mitra :** (a) Will Government be pleased to state the number of caretakers under the Chief Engineer, Delhi, and will they be pleased to state how many of such caretakers are Indians ?

(b) If there are no Indians, will Government be pleased to state the reasons why no Indian has been appointed as caretaker either of the Secretariat buildings or the Legislative buildings, New Delhi, or the Gorton Castle, Simla, up till now ?

The Honourable Sir Frank Noyce : (a) There are five Caretakers under the Chief Engineer, Central Public Works Department, two of whom are Indians.

(b) Does not arise.

GRADES OF PAY FOR INDIAN AND ANGLO-INDIAN CARETAKERS OF GOVERNMENT BUILDINGS IN NEW DELHI AND SIMLA.

447. ***Mr. S. C. Mitra :** (a) Is it a fact that the very few Indian caretakers who are at present serving under the Chief Engineer, Delhi, are paid a lower salary than the Anglo-Indian caretakers for the same jobs ?

(b) Will Government be pleased to state the names of buildings where they had Anglo-Indian caretakers before and where now they have replaced those Anglo-Indians by Indian caretakers during the last two years ? Will they be pleased to state whether in those cases they have fixed lower salaries for Indian caretakers than the salaries drawn by

previous Anglo-Indian caretakers of those very buildings ? If the answer is in the affirmative, will Government be pleased to state the reasons for making such racial discriminations ? Do Government propose to put the Indian caretakers in the very grades originally fixed for Anglo-Indian caretakers of the same buildings ? If not, why not ?

(c) Will Government be pleased to state the grade of pay fixed for the Kennedy House caretaker's post and the grade of pay fixed for the Old Delhi caretaker's post when these were held by Anglo-Indian caretakers and what are the grades of pay fixed for the present caretakers ?

The Honourable Sir Frank Noyce : (a) They are paid lower salaries, but the charges of the various appointments of caretakers are not of equal responsibility.

(b) The old Secretariat buildings, Metcalfe House and Alipore House in Delhi are in the charge of an Indian caretaker. It is true that he draws lower pay than his predecessor, Mr. Thomas, but the latter was also in charge of certain other buildings in Delhi and also of certain furniture in Delhi and New Delhi.

The Council Chamber, Kennedy House, and certain other buildings in Simla are also in the charge of an Indian caretaker. He is a comparatively young man and draws less pay than did his predecessor who was much older.

The pay of each caretaker is fixed according to his qualifications and experience and the responsibilities of his charge. There are no special scales for Anglo-Indians and there are no grades.

(c) The pay of the caretaker in charge of Kennedy House, the Council Chamber and certain other buildings in Simla was formerly Rs. 160. It is now Rs. 100.

The caretaker of the buildings in Old Delhi drew pay on the scale of Rs. 300—10—350 a month. The present caretaker draws a fixed pay of Rs. 110 but as I have explained in reply to part (b), the duties of the present incumbent are considerably lighter than those of his predecessor.

PLACING OF THE SIMLA GOODS SHED UNDER THE STATION MASTER, SIMLA.

448. ***Mr. S. C. Mitra :** (a) Is it a fact that goods clerks and the goods sheds attached to the Railway stations are always placed under the control of the respective Station Masters and the Station Superintendents ?

(b) Is it a fact that the goods clerk and the goods shed attached to the Simla Station are not under the Station Master but are under the direct control of the Assistant Transportation Officer ?

(c) Are Government aware that the public and the illiterate business section are much inconvenienced in approaching an official of the position of the Assistant Transportation Officer and have to do so through the Head Clerk of the office ? If not, do they propose to inquire into the matter ? If not, why not ?

(d) Do Government propose to place the goods shed under the control of the Station Master, Simla, working under the superintendence and control of the Assistant Transportation Officer ? If not, why not ?

Mr. P. B. Rau : (a) No. In some stations goods sheds are under the Station Masters and in others goods clerks themselves are in charge of the goods sheds.

(b) Yes. The Station Master, Simla, as also the Chief Goods Clerk are under the direct control of Assistant Operating Officer, Simla.

(c) The Agent, reports that the Assistant Operating Officer, Simla, is not aware that the public is or has been inconvenienced. In fact the Assistant Operating Officer has frequent interviews and meetings in his office with the public and traders and complete satisfaction has been expressed by them.

(d) The administration do not intend to make any change at present, as it is considered that the present arrangement is more satisfactory and gives better service to the public.

COMMUNAL REPRESENTATION IN THE INDIAN STORES DEPARTMENT.

449. ***Sardar Sant Singh :** (a) Will Government please lay on the table a statement showing the communal representation in the permanent ministerial establishment of the Headquarters Office of the Indian Stores Department ?

(b) Is it a fact that there are permanent vacancies in the clerical staff of the office of Chief Controller of Stores, Indian Stores Department ? If so, do Government propose to confirm men belonging to minority communities against those posts in order to remove communal disparity ?

The Honourable Sir Frank Noyce : (a) A statement is laid on the table.

(b) Yes. The orders of the Government of India regarding communal representation will be followed :

Statement showing the communal composition of the permanent ministerial establishment of the Headquarters office of the Indian Stores Department on the 1st September, 1932.

Hindus ..	..	..	87	Europeans and Anglo-Indians ..	5
Muhammadans ..	..	..	17	Indian Christians ..	2
Sikhs ..	..	..	7	Other communities ..	2

PUBLIC SERVICE COMMISSION EXAMINATION FOR RECRUITMENT OF CLERKS IN THE GOVERNMENT OF INDIA OFFICES.

450. ***Sardar Sant Singh :** (a) Is it a fact that the Public Service Commission is holding an examination for selection of candidates for clerical appointments in the Government of India offices ?

(b) Will Government please state if all the candidates who qualified at the examination held in 1926, 1929 and 1931, have been provided in permanent vacancies ? If not,

(i) how many of them are holding temporary vacancies ; and

(ii) why have they not been confirmed in permanent vacancies ?

The Honourable Mr. H. G. Haig : (a) Yes, a competitive examination.

(b) The Honourable Member is presumably referring to the examinations for the Typist and Routine Grade. All the candidates who qualified for such grade in 1926 and 1929 have been provided either with permanent appointments or with temporary appointments likely to be made permanent. Of the candidates who obtained marks which were not less than the minimum qualifying mark fixed by the Public Service Commission for the examination held in 1931, 19 failed to secure permanent posts in the Typist and Routine Grade owing to the fact that there were no vacancies for them. This is in accordance with the new system of recruitment which came into force on the 1st April, 1930, and under which candidates who qualify at one examination have no right to vacancies to be filled on the result of a subsequent examination.

Mr. Lalchand Navalrai : May I know if the reason why this examination is going to take place is, because there is a demand for these clerks ?

The Honourable Mr. H. G. Haig : What examination is the Honourable gentleman referring to ?

Mr. Lalchand Navalrai : With reference to the answer to clause (a) that the Public Service Commission is going to hold an examination for the selection of candidates for clerical appointments, is it the case that there is a demand for engaging these clerks and that is why the examination is going to take place, or only in order to put these candidates on the List ?

The Honourable Mr. H. G. Haig : The examination is going to be held because certain vacancies have to be filled.

PERSONS HOLDING SUBSTANTIVELY TEMPORARY APPOINTMENTS IN THE INDIAN STORES DEPARTMENT.

451. ***Sardar Sant Singh :** (a) Is it a fact that there are permanent as well as temporary clerical appointments in the office of the Chief Controller of Stores, Indian Stores Department, and that passed candidates of 1926 and 1929 have been appointed against these vacancies ?

(b) Is it a fact that the persons who qualified in 1926 and 1929 are still holding appointments temporarily in the Indian Stores Department and they are not being nominated by the Public Service Commission in permanent appointments in other offices on the ground that they held substantively temporary appointments ?

The Honourable Sir Frank Noyce : (a) and (b). Yes.

PERSONS HOLDING TEMPORARY APPOINTMENTS IN THE INDIAN STORES DEPARTMENT AND OTHER OFFICES.

452. ***Sardar Sant Singh :** (a) Will Government please state :

(i) the number of men who qualified in 1926 and 1929 who are still holding temporary appointments in the Indian Stores Department and other offices ; and

(ii) the period of their service in these offices ?

(b) Do Government now propose to nominate these men against permanent vacancies in other offices in preference to those candidates who qualified themselves in 1931 ?

The Honourable Mr. H. G. Haig : (a) My information is that there are a few such clerks but their exact number and length of service are being ascertained and I will lay the information on the table when collected.

(b) I understand that the Honourable Member's point is that the candidates who qualified at the 1926 and 1929 examinations should have been given preference to those who qualified in the 1931 examination in respect of employment in the Third Division. The orders regulating recruitment, a copy of which will be found in the Library, provide that once a candidate has accepted employment he becomes a departmental candidate. Such men must ordinarily look to the Department in which they are employed for promotion or confirmation and have no claim to such promotion or confirmation by transfer to another Department. Government have recently issued orders removing the restriction on permanent employment in the Third Division of those candidates who qualified for the First or Second Divisions only at the 1926 and 1929 examinations and are still holding temporary appointments in those Divisions.

RETRENCHMENT IN THE ALL-INDIA SERVICES.

453. ***Sardar Sant Singh :** (a) Is it a fact that men with more than 25 years' service are being kept while young men of the All-India Services are being thrown out ?

(b) How many of the retrenched officers are Europeans and how many Indians belonging to the following services :

(1) Indian Civil Service, (2) Indian Medical Service, (3) Indian Forest Service, and (4) Indian Police Service ?

(c) Is it a fact that some of the Indians are being retrenched on the plea of inefficiency ? If so, were they ever tried in other Provinces also ?

(d) Will Government please state the number of Indians and Europeans separately in each of the above mentioned services who have been detained at the efficiency bar ?

The Honourable Mr. H. G. Haig : Sir, with your permission, I propose to reply to questions Nos. 453 and 454 together. The information asked for by the Honourable Member is not at present available. I am making inquiries and hope to be able to furnish the information in due course.

RETRENCHMENT IN THE ALL-INDIA SERVICES.

†454. ***Sardar Sant Singh :** (a) Is it a fact that before any one is discharged or dismissed on account of inefficiency or for other reasons Government always warn in writing the individuals concerned two to three times to improve ?

(b) If the reply to part (a) be in the negative, why do not Government inform the individuals concerned of their inefficiency and give them time to improve in the required directions ?

†For answer to this question, see answer to question No. 453.

(c) How long do Government generally take to remove a servant on the charges of inefficiency and incapability ?

(d) How many officers belonging to each of the Imperial services who have been removed or are being removed were warned and for how many times ?

(e) What is the nationality of each of the retrenched officers ?

EMPLOYMENT OF SIKHS IN CERTAIN OFFICES.

455. *Sardar Sant Singh : (a) Is it a fact that passed Sikh candidates are not available on the Public Service Commission list for employment in the ministerial establishment of the Government of India Secretariat and their attached and subordinate offices ?

(b) If so, what steps do Government propose to take to continue their recruitment in conformity with the proportion required for this community ?

(c) Is it a fact that there is not a single Sikh clerk or assistant or that they are a negligible number in the following offices ?

(1) Public Service Commission ; (2) Director General of Archaeology ; (3) Director General, Posts and Telegraphs ; (4) Survey of India Office ; (5) Controller of Standardisation ; (6) Assistant Military Secretary's Personal ; (7) Director of Intelligence Bureau ; (8) Director of Public Information ; (9) Indian States Forces Office ; (10) Foreign and Political Press ; (11) General Staff Branch ; (12) Judge Advocate General Branch ; and (13) Military Secretary's Branch ?

(d) Are Government prepared to appoint at least an adequate number of Sikhs or to adopt such methods as will enable Government to comply with the demand for employment of Sikhs coming from any of the above or other offices ? If not, why not ?

The Honourable Mr. H. G. Haig : (a) and (b). I presume that when the Honourable Member speaks of "passed Sikh candidates", he means Sikh candidates who obtained not less than the minimum mark fixed by the Public Service Commission at the last competitive examination for recruitment to the ministerial service. All such Sikh candidates have been provided with posts in the Government of India Secretariat or Attached Offices. Any existing or prospective vacancies up to the end of September, 1933, for which Sikh candidates may be required, will be filled on the result of the examination to be held in November, 1932.

(c) A statement showing the communal composition of the clerical staff of the Government of India Offices on the 31st December, 1931, will shortly be available in the Library.

(d) I would invite the attention of the Honourable Member to the Home Department Office Memorandum No. F. 176/25-Ests., dated the 5th February, 1926, which explains the policy of the Government of India as regards representation of minority communities in the Government of India Secretariat and their Attached and Subordinate Offices, and of which a copy is available in the Library. I would add that definite proportions of vacancies are not reserved for particular minority communities.

APPOINTMENT OF SIKHS IN THE GENERAL STAFF BRANCH.

456. *Sardar Sant Singh : (a) How many lady and Muhammadan clerks have been asked for by the General Staff Branch and how many Sikhs ?

(b) If no post has been reserved for a member of the Sikh community, will Government please state why the claims of Sikhs are being ignored ?

Mr. G. R. F. Tottenham : (a) (i) Lady clerks 16
(ii) Muslim clerk 1
(iii) Sikh clerk 1

Of the 16 lady clerks, eight are required to fill vacancies caused by the retrenchment of First and Second Division posts previously held by European *ex*-soldier clerks. The remaining eight are required to replace lady clerks at present temporarily employed who have not qualified by passing the Public Service Commission examination.

(b) Does not arise.

Dr. Ziauddin Ahmad : I am sorry, I could not follow the answer. Did the Honourable Member say one Muslim clerk and one Sikh clerk ?

Mr. G. R. F. Tottenham : Yes.

Dr. Ziauddin Ahmad : Is the Honourable Member aware that the Muslim population is 24 per cent. and the Sikh population is only one per cent. ?

Mr. K. C. Neogy : Does the Honourable Member accept as correct the underlying assumption of this question that the Muhammadan and Sikh clerks are as attractive as lady clerks ?

Mr. G. R. F. Tottenham : No, Sir.

RESERVATION OF SEATS FOR LADY CLERKS IN THE ARMY HEADQUARTERS.

457. *Sardar Sant Singh : (a) What are the special reasons for reserving 21 seats in the Army Headquarters for lady clerks ?

(b) How many, in the same way, have been reserved for the Muslims, Hindus and Sikhs separately ?

(c) Is it not a fact that the lady clerks are far more expensive to Government than male clerks ?

(d) In view of the present financial stringency, do Government propose to consider the advisability of employing male clerks who are far less expensive ? If not, why not ?

Mr. G. R. F. Tottenham : (a) The precise number of vacancies for lady clerks in Army Headquarters has not yet been settled but the reason why they will be comparatively numerous is that the policy is being tried at present of replacing a number of British soldier clerks by ladies on lower rates of pay. Further a certain number of unqualified lady clerks are at present employed temporarily because qualified ones were not available, and it is desired to replace them by qualified lady clerks as soon as possible.

(b) The total number of vacancies, as also the number intended to be filled by different communities, will be announced shortly.

(c) In the Second and Third Divisions the starting pay of lady clerks is slightly higher than that of men clerks. In the First Division it is the same. The starting pay of *ex*-soldier clerks however is considerably higher than that of lady clerks.

(d) No, Sir, for the reasons explained in reply to parts (a) and (c) above.

Mr. Lalchand Navalrai : Will the Honourable Member please state if there are any lady clerks other than European, Eurasian and Christians ?

Mr. G. R. F. Tottenham : I do not think there are any at present.

Mr. Lalchand Navalrai : Will the Honourable Member please say why they are not engaged ?

Mr. G. R. F. Tottenham : We shall be very glad to employ any lady clerks of any community who can pass the examination.

Mr. Gaya Prasad Singh : May I know, Sir, if the lady clerks get higher pay than the men clerks ? Why are they employed ?

Mr. G. R. F. Tottenham : As I tried to explain, Sir, we are employing these lady clerks in place of soldier clerks whose pay is very considerably higher than that of lady clerks.

Mr. Gaya Prasad Singh : If men clerks are employed in place of lady clerks, will it not be in the interests of economy especially when the lady clerks are getting higher pay ?

Mr. G. R. F. Tottenham : That is a possible argument ; but I think that experience both here and in other parts of the world has shown that there are certain types of work—generally speaking, I am afraid, the more monotonous and uninteresting jobs—which are performed more satisfactorily by the female of the species.

SIKH STAFF OFFICERS ON STATE RAILWAYS, ETC.

458. ***Sardar Sant Singh :** Will Government please state the number of Sikhs employed as staff officers on the Indian State Railways and in the offices under the control of the Chief Commissioner of Railways during the years 1930-31 and 1931-32 as against Hindus, Muhammadans and Anglo-Indians ?

Mr. P. R. Rau : I would refer the Honourable Member to a reply given by Sir Alan Parsons to a very similar question put by him on the 9th March.

PERCENTAGE OF SIKHS ON STATE RAILWAYS.

459. ***Sardar Sant Singh :** What was the percentage of Sikhs in all services on the State-managed Railways as a whole before the retrenchment began and what is their percentage at the present time ? Were any special measures taken to maintain their percentage at the same level ? If so, what ?

Mr. P. R. Rau : Government regret that the information required is not available ; the form of the statistics hitherto maintained by railways, which was approved by the Central Advisory Council for Railways did not show Sikhs separately.

The instructions issued to State-managed Railways were that all practical steps should be taken to see that the unfortunate necessity for reducing staff did not operate to the detriment of communities not at present adequately represented in the railway services.

Sardar Sant Singh : Will the Honourable Member make an inquiry and find out the percentage ?

Mr. P. R. Rau : For the future, I believe, it has been decided that the forms of statistics should show separately. But to collect the figures of the past, I think, requires an extraordinary amount of labour which I am not prepared to undertake at present.

ABSENCE OF SIKH ACCOUNTANTS IN RAILWAY AUDIT AND ACCOUNTS OFFICES.

460. ***Sardar Sant Singh :** Will the Railway Member kindly refer to his reply given to starred question No. 724 on the 9th March, 1932 (regarding absence of Sikh accountants in Railway Audit and Accounts offices), and state why the Sikhs were not kept on when there was not a single Sikh in that office in that grade ?

Mr. P. R. Rau : As was explained in reply to the question referred to, the posts of accountants in the office of the Controller of Railway Accounts are filled from the cadre of accountants in the Railway Accounts and Indian Audit and Accounts Departments, and the posting of individuals at any particular time is determined by the exigencies of the moment. It is impossible to apply communal considerations to the staff of individual offices.

OPEN SALE OF MEAT BY HAWKERS IN NEW DELHI.

461. ***Sardar Sant Singh :** Will Government please state if they have now stopped the open sale of meat by hawkers, etc., in New Delhi ? If not, why not ?

Mr. G. S. Bajpai : I would invite the attention of the Honourable Member to the first part of the reply given by Sir Frank Noyce to his question No. 719 on the 9th March, last. Bye-laws have since been framed and introduced by the New Delhi Municipal Committee to regulate the manufacture, sale, preparation and exposure for sale, of specified articles of food (including meat) and drink. It is hoped that this will stop the sale of meat in the manner complained of.

APPOINTMENT OF SIKH OFFICERS IN THE IMPERIAL SECRETARIAT.

462. ***Sardar Sant Singh :** (a) Will Government kindly state the number of Muhammadans and Hindus as against Sikhs in the Government of India Secretariat drawing more than Rs. 1,000 per mensem ?

(b) Is it a fact that the number of Muhammadans has rapidly increased in such appointments since 1922 ?

(c) Is it also a fact that no steps were taken to increase the number of Sikhs and their number has become *nil* ? If so, why ?

(d) In conformity with its declared policy do Government propose to bring into the Secretariat sufficient number of Sikh officers also and thus redress the grievances of the Sikh community ? If not, why not ?

The Honourable Mr. H. G. Haig : (a) There are 24 Hindus, six Muhammadans, and no Sikhs drawing more than Rs. 1,000 per mensem in the various Departments of the Government of India.

(b) In 1922 there were no Muhammadans in these posts drawing more than Rs. 1,000 per mensem. There are now six.

(c) and (d). The Honourable Member appears to be under a misapprehension as to the policy of Government. Government aim at securing by special rules of recruitment that there should be no undue preponderance of any community in the services. But promotions and selections are made on the basis of merit and suitability, not on communal considerations.

Sir Muhammad Yakub : Will Government be pleased to state in how many Departments the Sikhs are over-represented ?

The Honourable Mr. H. G. Haig : I am afraid, I shall require notice of that question.

Sardar Sant Singh : Will the Government kindly state since when the Muhammadans had been represented as a separate community in the services of the Government of India, what steps have Government taken to improve their status and do they mean to stop it ?

The Honourable Mr. H. G. Haig : I think our present rules date from 12 Noon. the year 1926.

Sardar Sant Singh : Do the Government intend to stop the recruitment of Muhammadans because they are over-represented ?

The Honourable Mr. H. G. Haig : I do not think there is any suggestion that Muhammadans are over-represented.

Dr. Ziauddin Ahmad : Will the Government of India follow the example of the Government of Madras and finish with this unfortunate controversy for ever ?

The Honourable Mr. H. G. Haig : What is the practice of the Government of Madras ?

Dr. Ziauddin Ahmad : The Government of Madras have ordered the employment in a certain rotation of all communities. I think I handed over a copy of those orders to the Home Department.

The Honourable Mr. H. G. Haig : I am afraid I have not got a copy now.

Mr. Gaya Prasad Singh : Why do not Government introduce the practice of competitive examination, and eliminate all distinctions of caste, creed and colour ?

The Honourable Mr. H. G. Haig : It was precisely because that system did not yield altogether satisfactory results that the new system was introduced in 1926.

Mr. Gaya Prasad Singh : Is it because Government want to exploit communal differences that they are having recourse to the present practice ?

The Honourable Mr. H. G. Haig : No, Sir. The position is that it is not reasonable that certain communities should not have proper representation in the public services.

Mr. Gaya Prasad Singh : Then, why not introduce the system of nomination in the Civil Service competition as well ?

The Honourable Mr. H. G. Haig : The Government follow exactly the same principle in the Civil Service examination as they follow in regard to representation in all public services.

Sardar Sant Singh : May I know if this system of communal representation in the services is prevalent in any other country in the world ?

Mr. K. Ahmed : That question does not arise, Sir.

UNSTARRED QUESTIONS AND ANSWERS.

TRANSFER OF CERTAIN RAILWAY MAIL SERVICE OFFICIALS TO THE BOMBAY GENERAL POST OFFICE AND THE MOFUSSIL.

31. **Mr. N. M. Joshi :** Will Government be pleased to state :

- (a) the number of time-scale and selection grade officials of the Railway Mail Service B Division and Foreign Mails Division that have been transferred from those Divisions to the Bombay General Post Office and the mofussil ;
- (b) whether these officials were transferred as a result of retrenchment in staff in the Railway Mail Service ;
- (c) whether the seniority of Postal officials has thereby been affected both in time-scale and selection grade to some extent and whether these Railway Mail Service officials were transferred in the interests of service ;
- (d) whether there have been vacancies in the Railway Mail Service since their transfer to the Post Office side in the time-scale and selection grade ; and
- (e) if the reply to the above be in the affirmative, whether these officials will be re-transferred to the Railway Mail Service in the vacancies that have occurred there ?

Mr. T. Ryan : As the Honourable Member has not stated the period for which the information is required, I regret that it is not possible for me to reply to his question.

ABOLITION OF THE LOWEST SELECTION GRADE EXAMINATION IN THE POST OFFICE.

32. **Mr. N. M. Joshi :** Will Government be pleased to state :

- (a) whether the Director General, Posts and Telegraphs, by a recent Circular abolished the lowest selection grade examination in the Post Office ;

(b) whether he has also announced that an examination would be introduced for the posts of Inspectors and Head Clerks to Superintendents of Post Offices ;

(c) whether the curriculum for the said examination has since been published ; and

(d) if not, when it will be ready and given effect to ?

Mr. T. Ryan : (a) and (b). Yes.

(c) No.

(d) Probably shortly.

FEE CHARGED FROM RAILWAY EMPLOYEES BY THE MEDICAL OFFICER, NORTH WESTERN RAILWAY, DELHI.

33. Mr. S. C. Mitra : (a) Are Government aware that the District Railway Medical Officer, North Western Railway, Delhi, has been charging a fee of Rs. 10 from each Railway employee of the North Western Railway sent to him for annual medical examination ?

(b) Is it a fact that there were hundreds of employees sent to him for medical test ?

(c) Will Government please state whether the District Medical Officer, North Western Railway, Delhi, can charge any fee from the Railway employees under the rules when they are sent by their Department for medical test ?

(d) Will Government please state whether there is any check on the District Medical Officer, North Western Railway, Delhi, against this procedure of his of charging fees from the Railway staff ?

(e) Does the Medical Officer in question pay any income-tax on the income derived from the fees collected from the Railway employees ?

(f) Do Government propose to hold an inquiry in the matter for the information of the House ?

Mr. P. R. Rau : (a) No.

(b) The number of employees that have been sent to the District Medical Officer, North Western Railway, Delhi, for annual medical examination since he was posted to Delhi on 1st October, 1931, is 159.

(c) No fee is chargeable.

(d) The regulations governing the medical examination of employees have been published in full in the North Western Railway Gazette and are available for the information of all employees.

(e) The Chief Medical and Health Officer, North Western Railway, is satisfied that there is no truth in the allegation that the District Medical Officer, Delhi, charges a fee from railway staff irregularly. The question therefore does not arise.

(f) No.

CONSTRUCTION OF DOUBLE-STOREYED SHOPS ON THE BAIRD ROAD, NEW DELHI.

34. **Mr. Gaya Prasad Singh :** (a) Is it a fact that 15 shops are now under construction on the Baird Road in New Delhi ?

(b) Is there now a proposal on foot to give permission to the owners to build a double storey on these shops ?

(c) Is it a fact that there are a number of orthodox clerks' quarters in close proximity to these shops ?

(d) In case double-storied shops are built, are Government aware that the privacy of these quarters will be affected ?

(e) Do Government propose to refuse permission to build a second storey on the shops mentioned in part (a) above ?

Mr. G. S. Bajpai : (a) Yes.

(b) Not at present.

(c) and (d). There are a number of Orthodox quarters close by and the building of double storeys on these shops would affect the privacy of some of them to some extent.

(e) Does not arise.

REVISED SCHEMES OF PENSION IN THE POSTS AND TELEGRAPHS DEPARTMENT.

35. **Mr. Amar Nath Dutt :** (a) Is it a fact that Government issued a Circular to all the recognised organisations of the staff in the Posts and Telegraphs Department to obtain their opinion on certain proposed revised schemes for pension ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state whether replies from all such organisations have been received ? If so, when ?

(c) Will Government be pleased to state if the final decision on the matter has been arrived at ? If so, to what effect ? If not, why not ?

The Honourable Sir Alan Parsons : (a) I take it that the Honourable Member is referring to the scheme for substituting a contributory provident fund or other benefits of a corresponding kind for the existing pensionary system. If so, the answer is in the affirmative.

(b) No ; out of the 160 Associations which were addressed only 24 replied before the date by which replies were invited.

(c) No. All Local Governments have recently been consulted and their replies are awaited.

REVISION OF THE PENSION SCHEME IN THE POSTS AND TELEGRAPHS DEPARTMENT.

36. **Mr. Amar Nath Dutt :** (a) Is it a fact that a large number of the employees in the Posts and Telegraphs Department in subordinate services are not in receipt of any pension ?

(b) Will Government be pleased to state if they contemplate to revise the whole pension scheme which will convert the present non-pensionable posts into pensionable ones ? If not, why not ?

(c) If the reply to the above be in the affirmative, with regard to some of the appointments, will Government be pleased to state (i) which of the groups are likely to be included in the new pension scheme and also (ii) when the scheme is likely to take effect ?

Mr. T. Ryan : The attention of the Honourable Member is invited to the reply given by me to Mr. S. C. Mitra's identical unstarred question No. 271 in the Legislative Assembly on the 29th March, 1932. No decision has yet been reached in the matter.

INSPECTORS OF PEONS AND INSPECTORS OF POST OFFICES IN THE TELEGRAPH AND POSTAL BRANCHES.

37. **Mr. Amar Nath Dutt :** (a) Will Government be pleased to state how many Inspectors of Peons and Inspectors of Post Offices are employed in the Telegraph and Postal Branches, respectively ?

(b) Is it a fact that the Inspectors of both these groups are required to perform indoor as well as outdoor work ?

(c) Is it a fact that the Inspectors of Post Offices in towns are in receipt of conveyance allowances ?

(d) If the reply to part (c) be in the affirmative, will Government be pleased to state if they propose to grant similar allowance to Inspectors of Peons in the Telegraph Branch ? If not, why not ?

Mr. T. Ryan : The Honourable Member's attention is invited to the reply given in this House on the 29th March, 1932, to Mr. S. C. Mitra's identical unstarred question No. 269.

DELIVERY OF PRESS AND TRIPLE RATE MESSAGES.

38. **Mr. Amar Nath Dutt :** (a) Is it a fact that press and triple rate messages are sent out singly for delivery to ensure their prompt disposal ?

(b) Is it a fact that task work messengers used to get earnings for a complete *bhaga* (*viz.*, five messages for a bicycle peon and three messages for a foot peon) for delivering these messages singly without waiting for other messages ? If so, how long has this system been in force ?

(c) Is it a fact that this system has been abolished, with effect from the 1st November, 1931, and the delivery messengers are now granted the earnings for one message only per trip for delivery of these press and triple rate messages ?

(d) Is it a fact that triple rate messages are paid for at triple rates by the senders in order to ensure their expeditious disposal ?

(e) Is it a fact that the Press get concession rates (very much cheaper than the ordinary rates) for sending their messages ? If so, do Government propose to charge for expeditious delivery of their telegrams ?

(f) Is it a fact that delivery messengers are still made to deliver these press and triple rate messages singly without permission to await any other telegram though they are paid for only one message per trip ?

(g) If so, do Government propose to revert to the old system ? If not, why not ?

Mr. T. Ryan : The three questions Nos. 38, 41 and 42 are dealt with together.

The attention of the Honourable Member is invited to the replies given in this House on the 29th March, 1932, to Mr. S. C. Mitra's similar unstarred questions Nos. 274 and 275. As regards the latter portion of part (e) of question No. 38, Government do not propose to curtail the existing concessional rates.

SUPPLY OF UNIFORMS TO THE INFERIOR SERVANTS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

39. Mr. Amar Nath Dutt : (a) Has the attention of Government been drawn to the article published at page 315 of the *Telegraph Review* of September, 1931, under the caption, "Inferior Staff to go without uniform" ?

(b) Have Government made any enquiry into the matter ? If so, to what effect ?

(c) Will Government be pleased to state what is the present system of supplying uniforms to (i) the inferior staff in the Telegraphs and (ii) peons in the Postal Department ?

(d) Will Government be pleased to quote the authority under which the peons were ordered to produce their old tattered dresses for the inspection of the Chief Superintendent, Central Telegraph Office, Calcutta, as complained in the article mentioned above ?

(e) Will Government be pleased to state whether any order was issued beforehand to the peons requiring them to preserve torn and tattered uniforms for production for inspection when so ordered ? If so, when and by whom ?

(f) Is it a fact that some of the peons made written statements to the effect that their old uniforms were totally torn and had been thrown out or the like and hence could not be produced for inspection ?

(g) Is it a fact that, in spite of these statements, fines for non-production of uniforms were still imposed on these peons by the Chief Superintendent, Calcutta ?

(h) Will Government be pleased to state the number of such peons who were thus fined ?

(i) Do Government propose to refund these fines to the parties concerned ? If not, why not ?

(j) Is it a fact that complaints were made by the peons expressing their inability to wear tattered dresses while discharging their duties in the office ?

(k) Will Government be pleased to state the steps they have taken or propose to take to remove such complaints ?

(l) Is it a fact that peons have been taken to task and even fined in Calcutta and other places for not putting on their uniforms, even when the peons stated that their uniforms were very badly torn and hence could not possibly be worn ?

(m) Do Government propose to refund the fines thus imposed ? If not, why not ?

(n) Do Government propose to provide sufficient uniforms to the peons or, in the alternative, allow them to wear their own dresses when their uniforms are torn and new ones are not supplied ? If not, why not ?

Mr. T. Ryan : Questions Nos. 39 and 40 are answered together.

The attention of the Honourable Member is invited to the replies given by me in the Legislative Assembly on the 29th March, 1932, to Mr. S. C. Mitra's unstarred questions Nos. 267 and 268 which have been reproduced *verbatim* in the Honourable Member's present questions.

SUPPLY OF UNIFORMS TO THE INFERIOR SERVANTS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

‡40. **Mr. Amar Nath Dutt :** Is it a fact that Government have issued revised rules for the supply of uniforms to the peons in the Posts and Telegraphs Department ? If so, what are they ?

DISCONTINUANCE OF THE *Bhaga* SYSTEM OF DELIVERY OF MESSAGES IN THE TELEGRAPH DEPARTMENT.

‡41. **Mr. Amar Nath Dutt :** (a) Is it a fact that under the *Bhaga* system which was in force in the Central Telegraph Office, Calcutta, up to the beginning of 1931, it was required to give five messages in one lot for a bicycle messenger and three messages for a foot messenger for every delivery, and that if the full number was not available after waiting for a reasonable time they would be sent out with a lesser number of messages but their earnings would remain the same ?

(b) Will Government be pleased to state how long this system had been in vogue in the Telegraph Department ?

(c) Is it a fact that various modifications were made to this system from time to time to avoid anomalies or to redress grievances of the delivery staff ?

(d) Is it a fact that this system was stopped from the 1st March, 1931, without any notice to the staff ?

(e) If the reply to the latter portion of part (d) be in the negative, will Government be pleased to state (i) when the discontinuance of the *Bhaga* system was notified to the staff and also (ii) what was the reason, if any, that was given for the same ?

(f) If the reply to part (d) above be in the affirmative, will Government be pleased to state why a system that has been in existence for such a long period has all of a sudden been abolished ?

Bhaga SYSTEM OF DELIVERY OF MESSAGES IN THE TELEGRAPH DEPARTMENT.

‡42. **Mr. Amar Nath Dutt :** (a) Will Government please quote the rule or order under which the *Bhaga* system in the Telegraph Department was first introduced ?

(b) If there be no rule or order, will Government be pleased to state (i) how it came to be introduced and (ii) whether there was some order permitting its introduction ?

‡For answer to this question, see answer to question No. 39.

‡For answer to this question, see answer to question No. 38.

(c) Is it a fact that the salary bills of the staff are checked and audited by the audit offices and that it is one of the fundamental duties of the audit office to hold under objection any item of expenditure which is not sanctioned by proper authority ?

(d) If the reply to part (c) above be in the affirmative, will Government please state if any objection was ever raised by the audit offices against this system ? If so, when and how was it disposed of ?

(e) Will Government be pleased to state why the system has been stopped ?

(f) Do Government propose to conform to the age long procedure ? If not, why not ?

(g) Is it a fact that the existing task work messengers of the Central Telegraph Office, Calcutta, were appointed as such when the previous system was in force ? If so, do Government propose to consider that system as a condition of their service and permit them to continue under that condition till they retire ? If not, why not ?

(h) Will Government be pleased to state (i) who is responsible for the irregularity, if any, (ii) the amount spent so far in excess owing to this so-called irregular system, and (iii) how it is proposed to make good this loss to Government ?

TRAVELLING ALLOWANCE FOR TELEGRAPH ENGINEERING SUPERVISORS.

43. **Mr. Amar Nath Dutt :** (a) Will Government be pleased to state whether the Telegraph Engineering Supervisors drawing a pay of Rs. 200 or less are required to do the same duties as the higher paid Engineering Supervisors without any distinction ?

(b) Will Government be pleased to state whether these Engineering Supervisors have often to perform long journeys at night to give tests at distant places before sun-rise ?

(c) Is it a fact that these Engineering Supervisors have to travel in intermediate class ?

(d) Are Government aware that intermediate class being generally congested, the travelling public have to pass sleepless nights ?

(e) Is it a fact that these Engineering Supervisors are required to proceed at once to distant places on arrival after journey overnight ?

(f) Is it a fact that the Engineering Supervisors are not entitled to avail themselves of the railway station waiting rooms which are open to first and second class passengers only, nor are they entitled to use inspection bungalows ?

(g) Is it a fact that these Engineering Supervisors have some time to travel in trains with Line Inspectors and Sub-Inspectors who are their subordinates and are also entitled to intermediate class accommodation ?

(h) If answers to the above be in the affirmative, do Government propose to allow them second class travelling allowance ? If not, why not ?

Mr. T. Ryan : (a) All Engineering Supervisors, who are borne on one scale of pay, viz., Rs. 120—5—140—10—290—20—350 are required to carry out the same kind of duties, irrespective of the pay they draw.

(b) Such journeys are not frequent.

(c) The officials in question are entitled to travel in intermediate or in the second class according to their rates of pay.

(d) Government have no reason to suppose that the facts are as stated by the Honourable Member.

(e) This is not of usual occurrence, though conditions may sometime necessitate it.

(f) Such of them as hold intermediate class passes obviously cannot use waiting rooms reserved for first and second class passengers. It is not understood what inspection bungalows are referred to. If Public Works Department bungalows are meant they cannot occupy those bungalows which are meant for gazetted officers, but they can occupy such inspection quarters and Dak Bungalows as are open to upper subordinates of all other Departments.

(g) Yes, if they are holding intermediate class railway passes.

(h) The Honourable Member was himself a signatory to the report of the Posts and Telegraphs Sub-Committee of the Retrenchment Advisory Committee. In paragraph 73 of that report, it was recommended that the officials mentioned in paragraph 72, including the officers in question, should no longer be specially classified for purposes of travelling allowances, and there is no reason to exempt them from the effects of such recommendations.

RECRUITMENT OF STAFF FOR THE SUBORDINATE ENGINEERING BRANCH OF THE TELEGRAPH DEPARTMENT.

44. Mr. Amar Nath Dutt : (a) Will Government be pleased to state the number of men recruited for the Subordinate Engineering Branch of the Telegraph Department during 1930 and 1931—(i) from the Departmental men and (ii) from outside ?

(b) Will Government be pleased to state the number of Departmental men (i) who applied in these two years for recruitment in the Engineering Branch, and (ii) how many of them were admitted to the examination ?

(c) Will Government be pleased to state the number of Departmental telegraphists who have not been allowed to appear in the examination for (i) having exceeded the age-limit, (ii) unsatisfactory record of service, or (iii) any other reason ?

(d) Will Government be pleased to state the number of Departmental candidates who were exempted from the bars referred to in part (c) in consideration of their nationality or community ?

(e) Will Government be pleased to state the number of Departmental candidates who were not so exempted though they possessed previous experience in the Engineering Branch including the Telephone Branch for a considerable period ?

(f) Will Government be pleased to state if any of the men mentioned in part (e) were recommended by the heads of their Circles including the Engineering Officers ?

(g) Is it a fact that the Department is heavily overstaffed with Departmental telegraphists and that outside recruitment means additional expense ?

(h) If the reply to part (g) be in the affirmative, will Government be pleased to state the reasons for not appointing the Departmental candidates referred to in (e) and (f) in vacancies in the Engineering Branch with a view to reducing surplus staff and employing qualified hands at less cost ?

(i) Do Government contemplate to throw open appointments of Engineering Supervisors to the existing signalling staff by sending all telegraphists for training as Supervisors ?

Mr. T. Ryan : (a) to (h). The Honourable Member apparently refers to the recruitment of Engineering Supervisors. If so, there was no recruitment of this class of officials in 1930. As regards recruitment in 1931 and parts (b) to (h) of the question, the Honourable Member is referred to the reply given in this House on the 29th March, 1932, to parts (a) to (i) of Mr. S. C. Mitra's unstarred question No. 276.

(i) No.

EXAMINATIONS FOR TELEGRAPH MASTERS AND BAUDOT SUPERVISORS.

45. **Mr. Amar Nath Dutt :** (a) Will Government be pleased to state if the Telegraph Mastership and Baudot Supervisorship examinations have been stopped for two years in order to stop congestion of passed hands having no prospect of their promotion to the grade of Telegraph Master in the near future ?

(b) Is it a fact that there are other avenues of advancement to a Telegraphist having passed the Telegraph Mastership or the Baudot Supervisorship examination such as Baudot Supervision, Testing, etc. ?

(c) Is it a fact that the technical works have to be entrusted to unpassed hands in many offices for want of qualified candidates ? Is it a fact that according to the Posts and Telegraphs Manuals this should not be allowed to continue ?

(d) If the answers to parts (a), (b), and (c) be in the affirmative, do Government propose to re-open the Telegraph Mastership examination ? If not, why not ?

Mr. T. Ryan : (c) Yes.

(b) Telegraphists who have passed the Telegraph Masters' examination or the Baudot Supervisors' examination draw a special pay while actually employed on Baudot supervision or testing duties but they continue to remain in the cadre of telegraphists.

(c) Only in case of short vacancies when qualified officials are not locally available. As regards the latter part of the question there is nothing in the Posts and Telegraphs Manuals prohibiting such temporary arrangements.

(d) Government do not propose to hold the examination in the near future in view of the number of passed candidates already available.

EXAMINATION FOR TELEGRAPH MASTERS.

46. **Mr. Amar Nath Dutt :** (a) Are Government aware of the fact that question No. 2 of subject I of the last Telegraph Mastership examination was set from outside the syllabus prescribed for such examination ?

(b) Will Government be pleased to state whether the maximum marks for this paper were reduced from 100 to 90 ?

(c) Is it a fact that those who attempted that question and secured some marks, lost the same owing to this change ?

(d) If the answer to part (c) be in the affirmative do Government propose to count the marks obtained in question No. 2 by those candidates who answered that question, or grant them some other concessions to make up the aggregate ? If not, why not ?

Mr. T. Ryan : (a) Yes in subject II.

(b) Yes.

(c) Yes.

(d) No. The question was treated as cancelled and the marks assigned to it were deducted from the possible total for the paper and also from the total fixed for a pass.

GRANT OF A LOCAL ALLOWANCE TO CLASS II TELEPHONE OPERATORS AT COCHIN.

47. Mr. Amar Nath Dutt : (a) Is it a fact that the Postal Clerks and Class I Telephone Operators and Linemen at Cochin are in receipt of a local allowance ?

(b) Is it a fact that Class II Telephone Operators of Cochin are not in receipt of the local allowance ?

(c) If the reply to parts (a) and (b) be in the affirmative will Government state the reason for this distinction ?

(d) Do Government propose to grant the local allowance to Class II Telephone Operators ? If not, why not ?

Mr. T. Ryan : (a) and (b). Yes.

(c) and (d). Telephone Operators, Class I, at Cochin draw a compensatory allowance because postal clerks on the ordinary time-scale serving in that locality, with whom the former are graded for purposes of pay and allowances, are in receipt of such an allowance. Telephone Operators, Class II, at Cochin draw pay sanctioned for lower division clerks in that locality and neither of these classes of officials has been allowed any compensatory allowance. In existing financial conditions, it is not possible to make a new grant of compensatory or other allowances to either of these classes : the question of reducing or abolishing the compensatory allowance at present drawn by ordinary time-scale clerks or Telephone Operators, Class I, is under examination.

REVERSION OF SOME POSTMEN TO THE GRADE OF TELEGRAPH PEONS.

48. Mr. Amar Nath Dutt : (a) Is it a fact that in order to give the peons in the Telegraph Branch some opportunity to earn pension and leave allowances at superior rates, orders were issued to permit their entry into postmen's grade by competitive examination ? If so, from what date were the orders given effect to ?

(b) Is it a fact that many Telegraph peons went through this competitive examination and being found fully qualified were appointed as postmen ?

(c) Is it a fact that they had to furnish security bonds for these new appointments as are required from permanent postmen ?

(d) Will Government be pleased to state the number of Telegraph peons so appointed as postmen ?

(e) Is it a fact that some of the Telegraph peons so recruited to the postmen's grade have since been reverted ?

(f) If the reply to part (d) be in the affirmative, will Government be pleased to state the number and names of the men so reverted and the reasons in each case for the action taken ?

(g) Do Government propose to re-examine these cases and see that these men get back their appointments as postmen, if they are found to have been qualified for their appointments under the rules then in force ? If not, why not ?

Mr. T. Ryan : (a) No.

(b) to (g). Do not arise.

RULES GOVERNING TRANSFER OF SALARIED HANDS AND PIECE-WORKERS TO PERMANENT ESTABLISHMENT IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

49. Mr. S. C. Mitra : Is it not a fact that the Honourable Sir Joseph Bhore stated on the 18th March, 1932, that transfer to permanent establishment is governed by definite rules both in the cases of salaried hands and piece-workers in the Calcutta Press ? If so, will Government be pleased to lay on the table a copy of the rules as stated ?

The Honourable Sir Frank Noyce : (i) Yes.

(ii) Subject to the condition that men over 25 years of age are not ordinarily transferred from the temporary establishment to the permanent establishment and such a transfer requires the sanction of the Controller, the rule is that senior men, if they are efficient, have preference over junior men, and the criteria for selection are quick and correct work, general good conduct, regular attendance and good health.

PAY FOR SUNDAYS AND GAZETTED HOLIDAYS TO PIECE-RATED EMPLOYEES OF THE GOVERNMENT OF INDIA PRESSES.

50. Mr. S. C. Mitra : (a) Is it not a fact that Government stated on the 18th March, 1932, that the piece-rated employees of the Government Presses are allowed Sundays and Gazetted holidays like the salaried staff ?

(b) Is it not a fact that the salaried staff of the Government Presses are allowed Sundays and Gazetted holidays with full pay ?

(c) If the answers to parts (b) and (c) are in the affirmative, is it the intention of the Government to allow the piece-rated employees of Government Presses full pay on Sundays and Gazetted holidays ? If not, why not ?

The Honourable Sir Frank Noyce : (a) The statement made was that piece-rated employees of the Government of India Press, Calcutta, like the salaried staff are allowed Sundays and gazetted holidays according to the list published annually in the Calcutta Gazette.

(b) Yes.

(c) Piece-work employees in the Government of India Presses are not ordinarily allowed payment for Sundays and gazetted holidays on which they do not work. Piece-workers in permanent superior service may however at their option have gazetted holidays actually enjoyed by them counted against the leave on average pay admissible to them under the special leave rules applicable to them, and if so counted, the holidays are paid for. Other piece-workers are under certain conditions allowed payment for 16 days in a year to cover absences on account of holidays, sickness or leave.

PLACING OF THE INKMEN OF THE GOVERNMENT OF INDIA PRESSES ON THE SUPERIOR SERVICE.

51. Mr. S. C. Mitra : (a) Is it not a fact that in a hand press in Government Presses the services of the pressmen and inkmen are obtained for printing and those of the fly-boys for supplying ink ?

(b) Is it not a fact that the inkmen of the Government Presses are assistants of the pressmen ?

(c) Is it not a fact that the inkmen officiate and are also permanently appointed in the posts of pressmen when occasions arise ?

(d) Is it not a fact that the duties of the pressmen are of a skilled nature and they have been placed on the superior service ?

(e) Is it not a fact that the inkmen the assistants of the pressmen and who also carry on the duties of the pressmen have been placed on the inferior service ?

(f) Is it not a fact that the distributors, galley proof-pressmen and inkmen were all on the inferior service ?

(g) Is it not a fact that the distributors and the galley proof-pressmen have now been placed on the superior service ?

(h) If the answers to parts (a) to (g) are in the affirmative, will Government be pleased to state the reasons for placing the inkmen on the inferior service ? Do Government propose to place the inkmen of the Government Presses on the superior service ? If not, why not ?

The Honourable Sir Frank Noyce : (a) and (b). Inkmen and Fly-boys are assistants to Pressmen and Machinemen.

(c) Yes, if they show sufficient intelligence and ability.

(d) Yes. Pressmen are treated as in superior service if their emoluments are not less than Rs. 15 a month.

(e), (f) and (g). Inkmen have always been classed as in inferior service. All distributors were formerly treated as in inferior service but since 1920 they have been treated as in superior service, if their earnings exceed Rs. 15 a month. The classification of Galley Proof-Pressmen follows that of Pressmen who have for a long time been treated as in superior service subject to the condition mentioned in (d) above.

(h) The work of Inkmen is of a mechanical nature not involving any particular skill and it is not proposed to place them in superior service.

GOVERNMENT PRINTING WORK PLACED WITH PRIVATE PRESSES.

52. Mr. S. C. Mitra : (a) Is it not a fact that Government own well-equipped Presses managed by experienced and efficient staffs ?

(b) Is it not a fact that all the printing works of Government can be done at, and by the staff and machineries of, the Government Presses ?

(c) Is it not a fact that a considerable amount is paid annually to the private contractors for printing works of Government ?

(d) Are Government aware that the private contractors make a large profit out of the orders placed on them by Government ?

(e) Is it not a fact that the works entrusted to the private contractors can be done at the Government Presses ? Will Government be pleased to state the quality and quantity of machines at present fitted in the Government Presses and the nature of the works which are being entrusted to the private contractors ?

(f) If the answers to part (a) and to the first part of part (e) are in the affirmative, have Government considered whether it is economical to stop placing the printing orders with private contractors and having them done at the Government Presses ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) No, not with the existing staff and machinery.

(c) I do not know what the Honourable Member regards as 'a considerable amount'. A contract exists for the printing of Posts and Telegraphs forms to the approximate value of Rs. 2,20,000. Other work which the Government of India Presses cannot undertake is placed with private printers.

(d) Government have no reason to believe that excessive profits are made by the contractors.

(e) I would refer the Honourable Member to what I have said in reply to part (b) of his question. As regards the second part, the labour of compiling the information relating to the machines would be incommensurate with its utility. The work entrusted to private printers consists of the overflow from the Government Presses, the preparation of blocks, colour work, printing in most of the vernaculars, lithography and all items of a very specialised nature.

(f) Does not arise.

NON-PAYMENT TO PRESSMEN AND INKMEN OF THE GOVERNMENT OF INDIA PRESSES FOR GETTING THE FORMES READY.

53. Mr. S. C. Mitra : (a) Is it not a fact that the same amount of time and labour are to be taken for getting the formes both of machines and hand-presses ready in Government Presses ?

(b) Is it not a fact that duties of getting the formes ready for the machines are entrusted with the machinemen and machine-inkmen and for the hand-presses with the pressmen and inkmen, in the Government Presses ?

(c) Is it not a fact that the machinemen and machine-inkmen, pressmen and inkmen are all piece-workers ?

(d) Is it not a fact that the earnings of the piece-workers are calculated on their outturn and the pensions are also calculated on their average earnings ?

(e) Is it not a fact that the machinemen and machine-inkmen are paid for the time and labour spent for getting the formes ready ?

(f) Is it not a fact that the pressmen and inkmen are not paid for the time and labour spent for getting the formes ready ?

(g) If the answers to parts (a) to (f) are in the affirmative, will Government be pleased to state the reasons for what is stated in part (f) ? Are Government aware that it adversely affects the earnings as well as pensions of the pressmen and inkmen of the Government Presses ?

The Honourable Sir Frank Noyce : (a) No. In general more work is involved in getting ready a forme in machine presses than in hand presses.

(b) The position is not exactly as stated in the Honourable Member's question. In machine presses the duty of getting the formes ready is entrusted to machinemen ; the machine-inkmen merely assist them. Similarly in hand presses the duty is entrusted to the Pressmen and inkers merely assist the Pressmen.

(c) Machinemen and machine-inkmen at the Calcutta and Aligarh Presses are piece-workers but holders of similar appointments at the Simla and Delhi Presses are salaried employees. Pressmen and Inkmen are, however, piece-workers at all the Government of India Presses.

(d) Yes.

(e) Yes.

(f) and (g). Pressmen and inkmen are paid for getting the formes ready. The Honourable Member has possibly been misled by the fact that while forme work is separately computed in the case of piece rates for machine printing the Press Work Rates for the hand presses are consolidated rates inclusive of payment for the work of getting formes ready.

EMPLOYMENT OF LINO AND MONO OPERATORS OF THE GOVERNMENT OF INDIA PRESSES ON SALARIED SYSTEM.

54. Mr. S. C. Mitra : (a) Are Government aware that in the provincial Government Presses like Bombay, Bengal, Madras, Central Provinces, United Provinces, Assam, Burma, etc., all the industrial hands such as compositors, binders, distributors, lino and mono operators are employed on the piece-system ?

(b) Is it not a fact that in the Presses under the Government of India, industrial hands like the compositors, binders and distributors are employed on the piece-system ?

(c) Is it not a fact that the lino and mono operators in Government Presses are employed on the salaried system ?

(d) If the answers to parts (a) to (c) are in the affirmative, will Government be pleased to state the reason why lino and mono operators are employed on the salaried system ?

The Honourable Sir Frank Noyce : (a) Government have no information.

(b) Compositors in the Government of India Presses at Calcutta and Delhi are on the piece system. Binders at Calcutta only are on the piece system. Distributors at Calcutta and at Delhi are on the piece system.

(c) Yes.

(d) It is considered more convenient to employ Lino and Mono Operators on the salaried system. They are, however, not allowed to draw their salary in full if their average outturn falls below a prescribed minimum. On the other hand, they receive a bonus when it exceeds a certain limit.

RECRUITMENT TO THE POSTS OF, AND SENIORITY AMONGST, THE ACCOUNTANTS OF THE OFFICE OF THE CHIEF ACCOUNTS OFFICER, EASTERN BENGAL RAILWAY.

55. Mr. S. C. Mitra : (a) Will Government please state the number of posts of Accountants (Grades I and II) in the office of the Chief Accounts Officer, Eastern Bengal Railway, and how many of them are at present filled up by men, transferred from other Railways and the Civil Department, and how many by departmental promotion of the qualified men of the same office ?

(b) Was it the intention of Government, after the separation of Railway Audit from Accounts, to treat the cadre of Accountants in the office of the Chief Accounts Officer, Eastern Bengal Railway, as a local cadre, i.e., it will be filled up, as far as practicable, by men of the same office who would duly qualify for promotion to the cadre of Accountants ?

(c) Will Government kindly state the number of Assistants who were attached to the Combined Audit and Accounts Office (before the separation) and are qualified for promotion to the cadre of Accountants and how many of them have been promoted either substantively or in an officiating capacity in Grades I and II of the cadre ?

(d) If all the qualified Assistants mentioned in part (c) have not been promoted to the cadre of Accountants, will Government please state whether they have considered that this is not in direct contravention of paragraph 67 of the memorandum of the Financial Commissioner of Railways on the separation of Audit from Accounts ?

(e) Will Government please state whether relative seniority amongst the Accountants, fixed prior to the separation as per seniority list of Accountants in the Railway Audit Department, is being observed in the case of Accountants who are at present working in the office of the Chief Accounts Officer, Eastern Bengal Railway ? If not, why not ?

Mr. P. R. Rau : (a) The sanctioned number of posts of Accountants Grades I and II are 17 (eight in Grade I and nine in Grade II). At present seven posts are held by Accountants transferred from other railways

and the Civil Department, three by reserved Accountants of the Audit Department, and seven by qualified employees of the Eastern Bengal Railway, of this last two were probationary.

(b) and (d). The intention is ultimately to have local cadres and promote men according to merit and seniority on their own lists but it is impossible to fix a local cadre for each office finally until the question of the permanent transfer of men in the Audit Department is finally settled.

(c) There were six assistants qualified for promotion, of these five have been promoted.

(e) The reply to the first part is in the affirmative and the second part does not arise.

PRIVATE HOUSES BUILT IN MUSLIM GRAVE-YARDS IN AJMER.

56. **Khan Bahadur Haji Wajihuddin :** (a) Are Government aware that questions were asked in the Legislative Assembly, in the winter session of 1932, on the subject of the construction of private houses in the Muslim grave-yards in Ajmer and the Municipal Board, Ajmer's part in the matter ?

(b) Will Government please state what action has been taken in connection with the questions referred to in part (a) above ?

(c) Is it a fact that more than a dozen resolutions were passed by the Public Works Sub-Committee of the Municipal Board, Ajmer, in April and May, 1932, refusing permission to put up construction of private houses in the demarcated Muslim grave-yards and to remove such construction ?

(d) Is it a fact that none of the resolutions referred to in part (c) above was actually complied with ? If so, why ?

(e) Is it a fact that the question of the demarcation of Muslim grave-yards, which was settled in 1925, under the supervision of Colonel Watson, Chief Medical Officer, has now been re-opened by the Municipal Board, Ajmer ? If so, why ?

(f) Is it a fact that Colonel Howson, the then Chairman of the Municipal Committee, Ajmer, in his letter No. W.116 of 8th April, 1932, to the Commissioner, Ajmer-Merwara, in writing about the building of houses in Muslim grave-yards in Ajmer, wrote " that matter has now reached the stage of being a public scandal and in my opinion it has resulted in the complete defiance of Municipal law " and " Municipal law has ceased to function in this area " ? If so, what action did the Commissioner, Ajmer-Merwara, take on the said letter ?

(g) Will Government please put on the table of the House a copy of the letter of Colonel Howson referred to in part (f) above ?

(h) Are Government aware that in the Muslim grave-yards the building of private houses is causing much heartburning among the Muslim public of Ajmer-Merwara ?

(i) What action do Government propose to take in the matter ?

Mr. H. A. F. Metcalfe : The information asked for has been called for and a reply will be laid on the table in due course.

**POPULATION OF COMMUNITIES AND CLASSES, ETC., OF CERTAIN CONSTITUENCIES
APPENDED TO THE COMMUNAL AWARD.**

57. Mr. Gaya Prasad Singh: (a) Will Government be pleased to state the population of classes and communities, whose voters will elect in each province the Members shown in the column "General" of the statement of allocation of seats in the provincial legislatures appended to the Communal Award?

(b) Will Government be pleased to state the population of Muslims in Assam, and their proportion to the total population?

(c) Will Government please give the communal composition of the constituency called "Labour Special" in each province?

(d) Will Government be pleased to state how the constituency of commerce, industry and mining in Bengal is composed, and what is the proportion of the European voters in this constituency in Bengal?

The Honourable Sir C. P. Ramaswami Aiyar: (a) The Honourable Member is referred to paragraph 7 of the Communal Decision. As regards the population figures of the various classes and communities whose voters will be entitled to vote in a general constituency, I can only refer the Honourable Member to the census tables.

(b) I would refer the Honourable Member to the figures given on page 73 of the Indian Franchise Committee's report.

(c) The seats allotted to labour will be filled from non-communal constituencies, as prescribed in paragraph 14 of the Communal Decision.

(d) If the Honourable Member is referring to the future composition I am afraid that it is not possible, in advance of the delimitation of constituencies and the preparation of electoral rolls, to supply him with the information he requires. For the existing composition I would refer him to the election returns for 1929-1930, a copy of which is available in the Library of the House.

THE CHILDREN (PLEDGING OF LABOUR) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I beg to present the report of the Select Committee on the Bill to prohibit the pledging of the labour of Children.

**ELECTION OF A MEMBER FOR THE STANDING COMMITTEE ON
ROADS.**

The Honourable Sir Frank Noyce (Member for Industries and Labour): I beg to move:

"That this Assembly do proceed to elect, for the remainder of the financial year 1932-33, a Member for the Standing Committee on Roads, to fill the vacancy caused by the death of Rai Bahadur Pandit Trilok Nath Bhargava."

The motion was adopted.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I may inform Honourable Members that for the purpose of election of a Member to the Standing Committee on Roads the Assembly Office will be open to receive nominations upto 12 noon on Tuesday, the 20th September, and that the election, if necessary, will take place in this Chamber on Wednesday, the 21st September, 1932. The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Legislative business.

The Honourable Mr. H. G. Haig (Home Member) : I beg to move :

“ That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, as reported by the Select Committee, be taken into consideration.”

When the House agreed to refer this Bill to a Select Committee, I think there was general assent to the proposition that there is a serious abuse of judicial procedure which requires to be removed. The abuses are briefly, in the first place that there is no limit to the number of compulsory adjournments that can be claimed as a right, in the second place that there is no obligation on any person who has stopped the case on the ground that he is going to apply to the High Court, that there is no obligation on him actually to make such an application, and in the third place that there is no effective penalty on frivolous or dishonest applications. The general result of these conditions is very serious delay, and a delay, I regret to say, that is often produced with the object of tampering with the prosecution witnesses. Now, Sir, our Bill sought to remove these abuses by certain definite provisions. In the first place, a compulsory adjournment could only be claimed if the application for transfer was made before the trial began. In the second place, we provided that the adjournment need not necessarily take place at once, but that it should be open to the court to complete the prosecution evidence before making the adjournment. In the third place, we proposed to give the High Courts full powers of penalising frivolous and vexatious applications.

Now, Sir, in the course of the very interesting debate that we had when the motion for referring the Bill to Select Committee was under discussion, my Honourable friend, Mr. Puri, made a valuable suggestion. He suggested that we might possibly reach an agreement on the principle of allowing one, but only one, compulsory adjournment during the course of the trial. It was very largely on the basis of that suggestion that we approached this matter in the Select Committee. Now, Sir, in the course of our discussion in the Select Committee, it became evident that there were two lines of thought, that there were those who thought primarily of the interest of the accused in a case in which he is liable to be prejudiced, there were those—and I admit frankly that it was my own view—who thought primarily of the possibilities of abuse of procedure by unscrupulous persons. As our discussions proceeded, I think we all came to the conclusion, and certainly that is my own view, that a fair settlement must take account of both these points of

[Mr. H. G. Haig.]

view and I hope it will be found by the House that in fact the Bill, as amended by the Select Committee, does take account of both these points of view. In endeavouring to reach an agreement with the views of some of the Honourable Members opposite, it was necessary for the Government to accept certain variations in the proposals that they had originally laid before the House. The first was this : we agreed that it should not be necessary that an application should be made before the trial begins in order that a compulsory adjournment could be secured. I was convinced myself in the course of the arguments that prejudice might well become apparent for the first time after the trial begins and that therefore there is no real justification in principle for providing that this system of compulsory adjournment should only take effect in the case of an application made before the trial begins. That was the first point in which we met Honourable Members opposite.

The second point was one of very great importance. We have agreed not to press our proposal that it should be open to the magistrate to conclude the prosecution evidence before granting an adjournment. Now, Sir, that was a point to which, I confess, I personally agreed with some reluctance ; for we had to consider that this provision about allowing the prosecution to complete its case before adjournment was granted was one of the great safeguards against tampering with the prosecution witnesses,—an admitted practice and abuse. But, Sir, we were convinced that if in fact a case were being tried before a prejudiced court the power of that court to conclude the evidence for the prosecution after application for transfer has been made might really result in definite prejudice to the accused ; and for that reason and in spite of the danger which I have just mentioned to the House we agreed that when this adjournment is claimed it should be made immediately. The result, therefore, of the Bill as it emerges from Select Committee is that one compulsory adjournment on an application for transfer can be claimed, that it can be claimed immediately and that it can be claimed at any stage of the case.

Now, Sir, these are the main principles of the Bill as it now emerges from Select Committee, but we have thought it necessary that certain safeguards should be provided against an abuse of this procedure. In the first place, we regarded it as essential that there must be some provision against a dishonest application which was merely intended to delay the case without any intention of going to the High Court. We propose to secure that by authorising the magistrate when the application is made to take a bond from the applicant, a bond without sureties, for an amount not exceeding Rs. 200, that in fact he will do that very thing for which he has secured the adjournment of the case. In the second place it is necessary that there should be very definite penalties provided at the discretion of the High Court for frivolous and vexatious applications. I myself, Sir, would have been very well pleased to leave the amount of this penalty to the discretion of the High Court. Other Honourable Members felt that it was desirable that some upper limit should be fixed, and we finally agreed on a sum of Rs. 250. Well, Sir, these two conditions,—the right of the court to demand a bond that in fact the applicant will go to the High Court, and in the second place the provision for the High Court to deal effectively with frivolous and

vexatious applications,—these two conditions are in our view essential as an insurance against *malafide* applications. I would ask the House to remember that the power of demanding one compulsory adjournment which this Bill concedes is a very important power in the hands of those who may be prepared to abuse it. We must at any rate make those who may be tempted to use the power in this way hesitate. The Bill as amended gives, I submit, all reasonable safeguards to a person who has *bonafide* grounds for making an application, while it prevents the worst abuses of the present system and minimises the danger arising from those opportunities that have not been altogether removed. I commend the Bill to the House as a fair solution of difficulties that have perplexed the Legislature and impeded the work of the courts for many years.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muham-madan Rural) : Sir, when this Bill was first presented before the House, two of its provisions were extremely dangerous and harmful to accused persons. The first was, that an accused person could make an application for transfer only before the trial was started, and the second was, that in case of vexatious applications, unlimited powers were left in the hands of the courts to award any amount of compensation they liked. These were the two vulnerable points in the Bill against which strong objection was raised on the floor of the House. Now that the Bill has emerged from the Select Committee, I am very glad that these two objectionable features of the Bill have been removed ; and I take this opportunity of congratulating the Honourable the Home Member on the compromising spirit which he has shown in meeting the wishes of the Honourable Members of this House in Select Committee. If, in future, Government adopt this spirit of compromise and conciliation as regards measures which come before the House, I am sure the backbone of the opposition will be broken and Government will be able to pilot their Bills easily through this House. Sir, there is no doubt that section 526 of the Criminal Procedure Code was liable of being abused like the other enactments, but really the cases in which such power was abused by ordinary accused persons in ordinary cases were very few. The power was really abused in political trials and political cases, and probably it was this fear of abuse of power in political trials which was haunting the minds of Government and for which they have produced this Bill. The ordinary accused certainly would think twice before he would put an application for transfer of a case because, in the first place, during the pendency of the application in the High Court, he will remain in the lock-up and no accused would like to remain in the lock-up for any period of time if he can afford to avoid it. Moreover, in cases in which the application for transfer was rejected, the accused was always afraid that the trying magistrate would be very displeased with him and probably he will not be able to get an unprejudiced trial, and for these reasons, in ordinary cases, applications for transfer were very rare. As regards the political trials, these applications are meant as propaganda and whatever provisions we may add in the criminal law of the country, in the political trials, the accused will always, somehow or other, find some ways to make their propaganda and it will be difficult for any legislature to provide against abuse of such character. Now that the two objectionable features of the Bill have been removed in the Select Committee, I think that the Bill in its present form will meet with the wishes of the House,

[Sir Muhammad Yakub.]

as well as the wishes of the Government, and with these remarks I support the motion that the Bill be taken into consideration.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I am sorry I do not rise to congratulate the Honourable the Home Member for the little mercy he has shown in Select Committee. I will presently show that he has given one concession of only one compulsory adjournment but he has put conditions and restrictions which go to show that what he has given with one hand he has taken away with the other. I do not also propose to congratulate the Honourable Sir Muhammad Yakub for having given his support to the Home Member with regard to certain conditions which have been inserted in order to remove the difficulties. It was made known to the House when this Bill was being sent to the Select Committee that both sides of the question were not being considered in the House. The difficulties that were put before the House and the abuses which were pointed out as being practised by the litigants were put very forcibly and vehemently from the other side, I mean, the Treasury Benches. But, on this side, I was sorry to find that the difficulties of the public were not being so much considered. I made this very clear at that time and I do not want to take up the time of the House by repeating the inconveniences which were in existence before 1923 in the way of the litigants to get an adjournment for applying for transfer. Before 1923 when an application for transfer was made—and even though it was presumably made on grave grounds,—as there was a penalty attached to it—and even when a man had a grievance for believing that he could not get a fair and impartial trial from a magistrate or court, yet his right to apply for an adjournment, in order to move the High Court, was fettered by impediments in his way. He had to apply at the commencement of the hearing and not later. There were several other difficulties also in the way ; the principal difficulty was that the whole discretion was given to the magistrate or court to give an adjournment or not which was operating very hard upon the litigants. We know how many a magistrate and court autocratically use their discretion, and even thwart the very principle enunciated in a particular Act. Therefore, in 1923, these questions were considered and, I say, considered very well from all points of view and it was decided that when the accused or complainant had to apply to a High Court in order that his grievance may be removed and to have his case tried in a court, which was impartial, from a court, which had otherwise shown an attitude of not being just, such a person had a right to get adjournments for the purpose. These matters were all placed before the House the other day when this House decided to send this Bill to the Select Committee. At that time it was pointed out that it will be very hard if the old provisions of the Criminal Procedure Code are revived and reverted to. I do realise that Government are bent upon not giving such conveniences to the accused to apply for transfer only on account of the present conditions and environments of the political situation. But that is because political criminal cases have been sent up indiscriminately by Government—in which a large number of accused, say, 100 or 50, have to stand a joint trial and then they find that there are grounds with several accused to get adjournment ; and on that account they find that many adjournments have to be secured and, therefore, on this account they should not be impatient to deny them a fair trial, before a fair court. It is only on that ground that the Treasury Benches are keen

on getting this Bill passed in the way in which it has emerged from the Select Committee. But I shall appeal at least to the lawyer portion of this House to realise the evil, because I see that the laymen, though they are more affected than the lawyers in this connection, do not appreciate the gravity of it—I would appeal to Members on this side to give full consideration to this Bill and not merely to have a superficial view of it. You all know how this Bill the other day went to Select Committee. On this side of the House, my Honourable friend, Mr. Puri, put the case of the accused very enthusiastically, keenly and properly. But he made one suggestion and it was made only to meet the Government side, I should say—and I say it with all earnestness—that his suggestion seemed to me to have been made not with the intention of removing the difficulties of the Government and also giving convenience to the accused, but it was only made with the intention to come to a certain compromise, because, as the House is now constituted, any measure can be carried through the House by Government if they wish it. From that point of view, my Honourable friend, Mr. Puri, suggested that one compulsory adjournment must be given. Then the Bill went to Select Committee. But what I now find is this : I am sorry the Honourable Mr. Puri is not here today in his seat ; but I shall presently show that while Mr. Puri's intention in getting one compulsory adjournment has been complied with in the Select Committee, conditions have been put and restrictions have been imposed to such an extent that what the Government are giving with one hand, they are taking away with the other ; and that is what has happened with regard to this one compulsory adjournment in Select Committee.

Now, what do we find ? We find that even in the Select Committee my Honourable friend, Mr. Puri, had no support from his colleagues ; they did not appreciate the difficulties of the accused sufficiently, and so he had perforce to agree to a compromise again, because he must have thought that there was a majority against him and so it was better to agree to a compromise in spite of the hard conditions imposed on the accused than to lose the whole case. Therefore, Sir, it is now for the House to consider those conditions and decide whether the rights of the accused have been cut away or not. No doubt, one compulsory adjournment has been provided for by the Select Committee, but they have imposed such a condition that it will discourage all *bona fide* applications from persons really aggrieved. Under the condition imposed, it would seem as if the accused is going to be bound down like a bad character—he is asked to give a bond, to go and apply within a time, for transfer of the case which is also to be fixed by the magistrate,—and the accused has to apply within that specified time, and if he does not apply within the prescribed time, he will have to pay a penalty to the extent of Rs. 200 by forfeiture of his bond. Now, I would like the House to ponder over this point. The accused comes to court and asks for time. He has a real grievance to asking for an adjournment, and the magistrate says : “ I am giving you so much time, say five or six days and you should go and apply within that time. If you do not apply within that time, you will have to pay a penalty of Rs. 200 ”.

Now, Sir, I shall present to the House the difficulties of the accused. Supposing he gives a bond and gets an adjournment. He comes out and has to apply for transfer on the ground of a usage or a difficult point of law being involved in his case which would entitle him to make an

[Mr. Lalchand Navalrai.] application for a transfer. He has five days for it. Within those five days, he consults better authorities and they tell him that it is no use applying for a transfer on that ground and that he should, leaving that particular point, take other points and carry on with his case. Then the accused comes to the court not having made an application ; in that case he will have to pay Rs. 200, all for nothing. Is that not a very hard condition, Sir ?

Then take another instance. A man takes an adjournment. Mean-time, he finds that a move is going on for actual withdrawal of the case. Better counsels prevail on the Government and they withdraw the case. But within the time that was given to the accused, he did not apply for a transfer, and in that case the magistrate can ask him to pay Rs. 200.

Then take a third instance. The accused finds that within the time allowed, but before he goes to apply, the magistrate concerned gets transferred and no necessity for getting the case transferred arises. Yet, when he comes back to court, he may have first of all to pay Rs. 200.

These are, Sir, some of the difficulties which the accused persons will have to face. Why make only a show of giving a privilege to an accused ? It is not always that a man would go and apply for transfers, because he has to spend a good deal of money. There are so many things in his way which he will have to consider before applying for a transfer. Therefore, Sir, I submit that this clause which has been put will work very hard, and this is a matter which the Honourable the Home Member should seriously consider.

Then, again, look at the fallacy of this provision. It is stated here :

“ If in any inquiry under Chapter VIII or Chapter XVIII or in any trial, any party interested intimates to the Court at any stage, before the defence closes its case, that he intends to make an application under this section, the Court shall, upon his executing, if so required, a bond without sureties, of an amount not exceeding two hundred rupees, that he will make such application within a reasonable time to be fixed by the Court, adjourn the case for such a period.....”

Now, Sir, I lay emphasis on these words :

“ He has to make an application within a reasonable time to be fixed by the Court.”

This time is fixed not for making an application and getting a transfer, but for merely making an application also the time is fixed by the court. Supposing 10 days are fixed, and if he does not apply within 10 days, but does on the 11th day, what happens then ? He could be made to pay the penalty all the same. I will draw the attention of the Honourable the Home Member that there is no necessity of putting in this period, because, further on, it is stated in the Bill :

“ The Court shall adjourn a case for such period as he will have sufficient time for the application to be made and an order to be obtained thereon.”

When you are giving that discretion to the magistrate to give a reasonable time, why give him another discretion to fix a time within which the accused must apply. I, therefore, submit, Sir, that this provision will work very hard.

Then, Sir, coming to the consequences of a frivolous application. The other day the Honourable the Home Member made a statement that the High Courts have not exercised or have very rarely exercised the

powers of punishment for frivolous or vexatious applications in practice. If it is so, people have not got mad now to make frivolous applications. Therefore, if you are going to put any restriction on that, please, don't put any more restrictions than those which already exist. There is already a provision in the Code that if one has made a false or frivolous or vexatious application, he shall be mulcted at the discretion of the High Court with costs. Why are you going to fix a certain sum and say that this measure has emerged out better from the Select Committee? I say, it has come out worse. I submit that you should not increase the compensation to Rs. 250. The difficulty that the Government felt was this. The word "costs" has been changed into "compensation", and the reason for the same is found in the Statement of Objects and Reasons, where it is stated:

"...applications in the High Court are opposed usually by or on behalf of the Legal Remembrancer, who is paid by salary and not by fees, which makes it difficult to assess his reasonable expenses incurred in opposing the application."

I do not agree with this reason at all. It is not an insurmountable difficulty; it can be removed by fixation of fees for the Legal Remembrancer. Why should the Legal Remembrancer alone oppose these applications? I am told that it is not always the Legal Remembrancer who opposes these applications. It must be remembered that the party has not only to pay the other side's costs, but has to bear his own costs. Therefore, I submit that this limit of Rs. 250 is too high. I will show how. If a false and frivolous case actually is brought before a court, and the magistrate finds that it is false, the man who brought it may be punished under section 250 of the Criminal Procedure Code, and he can be punished only to the extent of Rs. 100. Comparing that position, and bearing in mind the words of the Honourable the Home Member who explained the position with his usual lucidity and in a kind way of compromising matters when he said that this Bill had been fairly treated in the Select Committee, I would ask him to go further and make it more fair. If a person who brings a false or frivolous case can be punished only with Rs. 100, I do not see why a person who merely makes an application for transfer should be punished with Rs. 250. Is that justice, is that fairness?

Again, as regards the several accused before the court, I may say that it is not always that all the accused would be anxious to put impediments in the way of the case being tried by the magistrate. Therefore, the provision made in this Bill, in respect of several co-accused, is most objectionable. There is absolutely no reason why, after one accused has applied and got an adjournment, if circumstances arise when some of the other accused may have to resort to a transfer proceeding, why the same privilege should not be extended to them. Is it fair, is it just that the other accused should be denied the same privilege? There is no justification for resorting to the procedure of the olden times when the magistrates exercised their discretion in any manner they liked. But the present are times when it is essential that the public interests should be safeguarded. After the Act of 1923 we found in practice whenever an adjournment was asked for under section 526 (8) which the magistrate was bound to give, because the Legislature consciously and deliberately decided not to put any restrictions upon the rights of accused persons, the magistrate had only to curse himself or others, and

[Mr. Lalchand Navalrai.]

grant adjournments. Such a salutary provision made by the Legislature they proclaimed as pleader made law. Now, I ask, do not make it wholly a magisterial law, make it a fair one.

I oppose this Bill, but I should like to hear the views of the House, and if the House rejects the Bill, I think it will have served its purpose. Political questions may be left to the Government Benches to be dealt with as they like by Ordinances and other laws. Do not condemn ordinary people for merely tackling political offences. I submit, therefore, that this Bill ought to be rejected by the House, but if it is not rejected, there is no reason why it should be perfunctorily considered. Do not leave the case to be dealt with by the pleaders, do not leave it to the advocates to advocate their own point of view ; consider the whole question in all its bearings, because, it is not only the pleaders who will be affected, but every one who goes before the court.

Now, Sir, there is one word with regard to the complainant. It was pointed out the other day that you are taking away the rights of the complainant. You are not even putting it plainly, whether the complainant shall have a right to apply for a compulsory adjournment. I should be glad to know from the Honourable the Home Member whether he has considered this point that I raised in the House when this Bill was sent to Select Committee. The word complainant which was in the original Bill has been substituted by the word ' party '. Now the complainant in Crown cases is not recognised in a court as a complainant though he started the complaint. Take a case of theft. A man goes and complains to the police. The police take down his statement. He is the complainant, but in a Crown case, because it will be conducted by the public prosecutor, there the poor complainant who comes into court...

The Honourable Sir Brojendra Mitter (Law Member) : May I interrupt my Honourable friend ? If he had read the clause, he would have seen that the phrase used is ' any party interested intimates to the Court '. Certainly a complainant is a party interested. Therefore, I should have thought that any party interested would include a man who lodges a complaint upon which an inquiry is made.

Rao Bahadur B. V. Sri Hari Rao Naydu (Madras : Nominated Official) : Even in a police case, a complainant can be awarded compensation in a frivolous case.

Mr. Lalchand Navalrai : I am thankful to the Honourable the Law Member. My apprehension is about the construction that magistrates will put upon it, and my apprehension is justified by my experience of courts and magistrates. So I say this is a matter which has got to be carefully considered and I appeal to the House to give cool consideration to this measure about one compulsory adjournment and I hope the House will agree with me that no such restrictions or conditions ought to be imposed. .

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : I was rather surprised to hear the two contradictory statements made by my Honourable friend, Mr. Navalrai. From the first portion of his speech, I understood him to say that he was trying to persuade the House to accept the amendments which he was going to move when the time came and he was only criticising the Bill in the light of his own

amendments ; but when I heard him say that he was going to oppose and throw out the Bill, as it had emerged from the Select Committee, I could not really see how he could reconcile the two statements. We all know that there has been a great abuse of the law, as it exists to-day, and it is this abuse which has forced Government, on the recommendation of the High Courts, to bring a measure in their own way. When that measure came before the House, the House saw that there was great danger for the genuine litigants if that was passed. While it was stopping the abuse, it was not giving protection to genuine litigants and, with this view, the House wanted that measure to go before the Select Committee in order to amend it in such a way as to give protection to genuine litigants. The two things which were objectionable in the original Bill were these. First, it asked the party to present an application for adjournment before the proceedings started and stopped that right at any other stage. That was a very objectionable principle and the Select Committee was very careful to see that this should be removed. Another point which was before the Select Committee was that although it may remove the grievance of genuine litigants, at the same time it should stop the abuse of asking for adjournment simply in order to gain time for preparation. These two guiding principles were before the Committee. Objection has been taken by my friend as to why this bond should be executed. My friend referred to the words in clause 2 (b) "such sum not exceeding two hundred and fifty rupees as it may consider proper in the circumstances of the case" and objected to the complainant executing a bond. That was the very principle why the Government were bringing forward this measure. Some people were presenting an application before the court absolutely frivolously. They had no intention of applying to the High Court. The whole idea was that they would present an application for adjournment with some other motive and they never went to the High Court.

Mr. Lalchand Navalrai : How many applications has the Honourable Member seen in his own practice ?

Mr. Muhammad Yamin Khan : I am sure, the Honourable Member knows of the practice even though he has no personal experience of it. He knows it fully well. The question before the Select Committee was how to prevent these frivolous applications. The Select Committee found, at the last moment, that it was reasonable to allow the person who presents an application for adjournment to execute a personal bond without sureties. If he was asked to furnish the sureties also, that would have been hard. He has only to execute a bond for a sum not exceeding Rs. 250 in order to prove the *bona fides* of his application. If he asks for an adjournment and does not move the High Court, certainly the other party which is losing on account of his action should be given some relief. There should be a check on frivolous applications. My friend is looking at only one side of the question. He ignores absolutely the point of the other side which does not want an adjournment and which will be affected by the action of the party which asks for the adjournment.

Supposing some persons have applied on behalf of the complainant, who says that the magistrate will not decide the case in favour of the complainant. Well, why should an accused person who has paid a lot of money in engaging his lawyers and paid fees in engaging, probably, on certain occasions, a good barrister

[Mr. Muhammad Yamin Khan.]

from outside, well, what about those expenses that he has to bear as a consequence of a frivolous application by the complainant in order to deprive this man and to make him get out of his pocket simply to benefit him,—and, in a way, Sir, this action might be calculated to have this result that after two or three adjournments he will never bring in a good lawyer to help him. Therefore, he ignores that point. That is very clear ; and to stop this thing, if he wants to deprive another party of getting his hearing, he should show that his intention is *bona fide* and not a frivolous application. For this purpose the Select Committee put it down at “ not exceeding Rs. 250 ”. If the magistrate finds only Rs. 10 is sufficient, he can fix Rs. 10 only. But supposing the objection is taken that Mr. Lalchand Navalrai has come up from outside to defend one party, say from Hyderabad-Sind and he is going to Larkana and he has been paid Rs. 250 and the other party is getting an adjournment, certainly he must ask for Rs. 250 from the other side, so that Mr. Navalrai's Rs. 250 should not be repaid again ! But that is a point which has to be carefully taken from both sides. It is not a one-sided question which you have to take, when you are enacting legislation. That is the reply which I can give to my Honourable friend. What is the real object of making this provision ? It is for the protection of innocent people.

Now, as regards the next point, raised by my Honourable friend, about the “ interested party ”, that has been fully explained by the Honourable the Law Member ; that “ interested party ” must mean either side. Another point taken by my Honourable friend was that there might be more than one accused in the trial, and one person, whose interest may be in conflict with that of the other accused, frivolously presents an application and that is rejected. Well, the other accused are *ipso facto* deprived of presenting another application for compulsory adjournment. Now that point was considered fully. There are very few cases of applications for adjournment for the purpose of applying to the High Court for transfer from one district to another district. Ordinarily, if any case happens in which the magistrate is found to be partial, certainly that magistrate is under the District Magistrate and the latter is at all times empowered to transfer that case from that magistrate's file to his own file or to any other person's file. That being the case, the District Magistrate simultaneously has this power. Of course the cases are rare in which a party wants to go to the High Court to have the case transferred from one district to another district. Thus, when the District Magistrate does not listen to a reasonable proposition, or where official influence is supposed to be such that it will not be a proper safeguard for the accused or for the complainant to have the case tried in that district where the influence of the official is going against any party, a suitable remedy is available. That will be the only case in which such a question can come up ; and if any application is made under these circumstances, well, certainly not one accused but the other accused also will join together and they will go to the High Court simultaneously and they will apply for the transfer of that case, because each one of them will be interested as much as the other. Therefore, it is a proper safeguard ; but, at the same time, the Select Committee thought that there might be some other provision. The hands of the court are not hampered in any way. Supposing one accused person applies for a compulsory adjournment, then there

are two courses open,—either he makes an application to the High Court, or he does not make an application. If he does not make an application, then he loses up to Rs. 250 worth of bond. Then the other accused persons can certainly come up before the court and say : “ Sir, you had given this person the opportunity but he, instead of availing himself of this opportunity, has been won over by the prosecution or the other side, and there is a case for our being given the same opportunity ”. Then, the court has still got the power under section 344 to adjourn the case. By giving one compulsory adjournment, you do not stop the magistrate from giving another adjournment. His powers are unhampered ; and, for this very purpose, and in view of the fact that there might be some magistrate who may not understand the provision, this explanation has been added in clause (2), sub-clause (8) at the end of (d) that :

“ Nothing contained in sub-section (8) or sub-section (9) restricts the powers of a Court under section 344.”

This was purposely added with this object that in the case of the magistrate, who is trying the case, even if he does not understand the provision, this will show him clearly that his powers are unrestricted and he can grant an adjournment. Now this should meet my Honourable friend's objection a great deal.

Then, there is the case where a man has already applied and that application has been rejected. That is the second class of case. Then, in that case, the other accused certainly will be deprived, but again there is a power in the hands of the court, and that also can be utilized by the magistrate fully. Then, there is another point ; why should a magistrate, against whom an application is going to be made, be partial ? Why should he give any latitude to the people to make an application to the High Court against himself ? That will not be proper for him, after all he is a human being. Certainly he will not give any adjournment simply for the sake of giving an adjournment. Well, if he does not give an adjournment on a reasonable application, if he does not afford any proper facilities for presenting such an application, that will be a sufficient and proper ground for the High Court to transfer the case from his file. That *will* be considered an argument in that case. If he says : “ I will not give you an opportunity to go to the High Court, because you are applying against me ”, well, somebody on his behalf can make an application and if this very fact is shown that the magistrate did not like to give such an opportunity, because the application was going to be made against him, then the High Court will take that seriously into consideration,—that that magistrate is not fit to try that case if he cannot show this much latitude to one of the parties. So, that objection is fully met. I hope my Honourable friend will not object to this Bill now, but will wait to deal fully with his amendments afterwards, and that my explanation will satisfy him. Sir, I support the motion.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Mr. President, my Honourable and learned friend, Mr. Yamin Khan, being a member of the Select Committee, naturally wants to support the Bill as it emerged from that Committee, but, Sir, I shall presently show that the Bill, as it emerged from that Committee, is much more reactionary than the original Bill. (Laughter.) Sir, I am sorry I cannot congratulate the members of the Select Committee

[Mr. T. N. Ramakrishna Reddi.]

which sat on this Bill. I am rather tempted to congratulate the Honourable the Home Member on the Bill that he introduced originally. That Bill would have been quite acceptable if he had only agreed to one or two points. His original Bill was much less objectionable than the Bill as it has emerged from the Select Committee. Sir, in introducing this legislation, it is pointed out that section 526 has given rise to so many objectionable and frivolous applications and has also impeded the course of criminal justice, and the Bill is aimed at putting an end to these objectionable features. There were four innovations in the Bill as introduced by the Home Member. In the old Bill of 1923, it was permissible to make an application for transfer at any stage of the trial, whereas the Bill, as introduced by the Home Member, requires that the application should be made only at the commencement of the inquiry itself. The Honourable the Home Member himself perceived the futility of this change in the procedure, because the necessity for a transfer arises only during the course of the trial. There is no point in applying for the adjournment at the commencement of the trial. The second point is that only two Chapters of the Criminal Procedure Code, namely, VIII and XVIII, have been retained and other Chapters have been eliminated from the operation of section 526. Sir, I wonder how, by eliminating other Chapters, the frivolous and vexatious applications for transfer can be done away with. As long as these two Chapters exist, there will be applications coming in and, therefore, the difficulty will not be met by excluding two or three other Chapters. Then, Sir, another point which this Bill aims at is that the magistrate could proceed with the recording of the evidence even up to the point the accused is being called upon for his defence, even after the accused has made the application for the transfer of his case. This also does not go to rectify the objections which the Home Member has in view. There is no use in the magistrate recording evidence after the intimation by the accused that he wants to get the case transferred from his file. Naturally, the magistrate being a human being would develop prejudices against the accused even if there had been no prejudice against him beforehand. Thus, Sir, I contend that it is not proper that he should be allowed to record any further evidence afterwards. Another point I wish to bring to the notice of the House is the giving of discretion to the High Court Judges to fix a compensation for any frivolous applications. This is the only change which would aim at preventing the frivolous applications, because the accused might be deterred from making a frivolous application, because the High Court Judges may impose very heavy compensations. These are the only changes which have been proposed in the present Bill which were not in the Code of 1923.

Now, Sir, I come to point out how far the Select Committee have improved the Bill or have modified it and how far they have made it acceptable. The changes are in two directions. The Bill, as it has emerged from the Select Committee, enables the accused to make his application for a transfer at any stage of the trial. Then, another change for the better is that the magistrate should stop recording evidence at once, when the application for an adjournment was made. These are the two points which can be said to have improved the original Bill. But now, Sir, I come to the points which have made the Bill, as amended by the Select Committee, more reactionary than the original one. In the Bill, as introduced by the Home Member, there were no restrictions placed for the

number of applications to be made by the accused for the transfer of his case. What it said was that any party interested may intimate to the court before such inquiry began that he intended to make an application under this section and the court shall not proceed with the inquiry. This clause does not restrict the number of applications to be made by the accused, whereas the Bill, as it has emerged from the Select Committee, says that only one chance should be given to the accused.

The Honourable Mr. H. G. Haig : The accused could not make many applications before the trial commenced.

Mr. T. N. Ramakrishna Reddi : What the amended clause says is :

“ Any party interested intimates to the Court at any stage before the defence closes its case that he intends to make an application under this section, the Court shall, upon his executing, if so required, a bond without sureties, of an amount not exceeding two hundred rupees, that he will make such application within a reasonable time.”

It enables the accused to make an application only once, because the proviso says :

“ Provided that nothing herein contained shall require the Court to adjourn the case upon a second or subsequent intimation from the same party.”

The original Bill, as introduced by the Home Member, made no restrictions as to the number of applications.

Then, with regard to the fixing of Rs. 250 as a limit for compensation to be awarded by the High Court, I submit that this amount has been fixed very high. Even if this provision was left, as it was in the original Bill, the magistrate or the High Court would fix in their discretion any amount far less, or at least, not necessarily such a high amount as is fixed in the Bill, as amended by the Select Committee.

The Honourable Sir Brojendra Mitter : The points which the Honourable Member is making are covered by the amendments of which he has given notice. Would it not be better if he were to develop these points when the amendments are taken into consideration ?

Mr. T. N. Ramakrishna Reddi : At this stage, Sir, I oppose the Bill as amended by the Select Committee. If my opposition is defeated, then only I will move my amendments. Now, I am speaking on the question that the Bill be taken into consideration as amended by the Select Committee. Generally, Sir, if the amount is to be treated as compensation to be awarded by the court, it would have been better if it was left to the discretion of the High Court or of the trying magistrate to fix any amount. In this respect also, I submit, that the Bill, as amended by the Select Committee, is more reactionary than the original Bill. In the original Bill, if there were more accused than one in a case, there were no restrictions for the accused, other than the one who originally applied, for applying for a transfer. Whereas the Select Committee has amended the Bill by stating that the privilege exhausts itself if one of the accused applies to the court for a transfer and the privilege of making an application for transfer is not allowed to the other co-accused. It is a fundamental principle of law that one accused does not represent the interest of the other co-accused. One accused may apply on frivolous grounds, or on no grounds at all, or for the mere fun of it. Are the other accused

[Mr. T. N. Ramakrishna Reddi.]

to be mulcted for the mischief done by one of the accused ? Supposing an accused makes an application to the High Court, then either for not paying fees to the Vakil or any other grounds, he might make default of appearance and his application for transfer might be dismissed and that accused might not get any more chance of applying for transfer. Are the other co-accused to suffer for the laches of one of the accused who has applied for transfer and failed ? Though the Honourable the Home Member himself did not introduce any such restrictions in the original Bill, yet, in the Bill, as amended by the Select Committee, which composed of several legal luminaries, the position is made much worse for the accused.

There is another point which I wish to draw the attention of the House to. In the Act, as it stood before 1923, the Sessions Judges are privileged to use discretion in the matter of giving adjournments. Now, the Honourable the Home Member, finding the incongruity of such a provision, has excluded it from this Bill because, he must have thought that if the granting of adjournment is incumbent upon a magistrate, why should Sessions Judges be not subject to that rule. It is on account of that, that the Honourable the Home Member has purposely excluded that clause from the present Bill, as originally introduced : whereas the Select Committee have become wiser and have gone a step further and have re-introduced that clause enabling the Sessions Judges to use their discretion whether to grant adjournments or not. In these respects, and in so many others, the Bill, as emerged from the Select Committee, is much more reactionary and, therefore, I have no hesitation in opposing the motion that the Bill, as amended by the Select Committee, be taken into consideration.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The House will now adjourn till 2-35.

The Assembly then adjourned for Lunch till Thirty-Five Minutes Past Two of the Clock.

The Assembly re-assembled after Lunch at Thirty-Five Minutes Past Two of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhammadan) : Sir, I have not the least hesitation in supporting the motion for consideration of the Bill, and, in doing so, I have to point out that so far as this section 526 of the Criminal Procedure Code is concerned, it is a provision which has been uniformly and mercilessly abused. From my own experience, as a practitioner, during the last 20 years, in the Madras High Court, I can speak to the fact that I have not come across two cases out of ten in which the provisions of this section have been rightly used. As a matter of fact, what we do is,—of course we act under instructions,—that whenever we find a tendency in the magistrate to go against us, although he may be doing the right thing at the moment, we apply for an adjournment on the ground that we are going to petition the High Court for a transfer, because the matter of paramount importance to us is the winning of our case. And, under the section, as it stands at present, the magistrate is bound to grant that application. We take advantage of this fact

and if we find on the adjourned date that the magistrate is in a better mood than he was in when we apprehended injury to us, we go on with the case knowing full well that, in the meantime, we have not taken the slightest pains to move the High Court for a transfer. That is exactly what happens at least in 90 per cent. of the applications made before magistrates in the districts for transfer, so far as my experience goes. And, I was greatly surprised, when my Honourable friend, Mr. Lalchand Navalrai, expressed the opinion rather bluntly that the Bill, as it has emerged from the Select Committee, has gathered more mud instead of having cleansed itself of its defects. He said that it has come back from the Select Committee in a worse form than what it was in when it was sent to Select Committee. That was his contention, but I really cannot understand it. Either my friend has not handled many criminal cases or he still thinks, although sitting in this House, that he is an advocate and not a legislator. I really think that the moment we are called upon to legislate, we ought to cast away the idea that we are advocating for any particular party. What we are called upon to do here is to legislate and to bring into being a law that might successfully and nobly deal with the administration of justice. That is our duty here. Once we go back to our own places and professions, it might well be that we should put on the garb of advocates again, but, so long as we are here, we have to rid ourselves of the very idea that we are advocating the cause of any party. And, if my Honourable friend, Mr. Lalchand Navalrai, does so, I think he will have no hesitation in coming to the same conclusion as myself. I think the Bill, as presented to the House, after reference to the Select Committee, has emerged in a form in which there is little or no room left for attack. The one point which was taken very serious objection to, when this Bill was introduced by the Honourable the Home Member, was that whether he was the complainant or the accused, a party had to read the mind of the magistrate, as it were, before the inquiry or trial commenced. That was on the face of it an impossibility, and that defect has been wholly cured by a very healthy *via media* proposed by my Honourable friend, Mr. Puri, which is to the effect that one compulsory adjournment shall, in all cases, be granted by the court, and any further adjournment, whether by the same accused or by the same complainant or by one of several accused, if there are more than one, shall not be granted. That is so far as the provisions of section 526 go. But we should not forget that, in the Criminal Procedure Code, there are two other sections which confer upon the magistrates very large powers. I may first refer to section 344 which gives the magistrate the discretion to adjourn a case whenever he thinks it is necessary. This is how it reads :

“ If, from the absence of a witness, or any other reasonable cause,”

I suppose these words are wide enough to be applicable to the case in point :

“ it becomes necessary or advisable to postpone the commencement of, or adjourn any enquiry or trial, the court may, if it thinks fit, by order in writing, stating the reasons therefor, from time to time, postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable, and may by a warrant remand the accused if in custody.”

Then, there is another section, section 528, which confers certain powers on the District Judge and the District Magistrate. The powers conferred

[Mr. Muhammad Muazzam Sahib Bahadur.]

on the District Judge are not very large, but the powers given to the District Magistrate are thus set out :

“ Any Chief Presidency Magistrate, District Magistrate or Sub-Divisional Magistrate may withdraw any case from, or recall any case which he has made over to, any Magistrate subordinate to him, and may inquire into or try such case himself, or refer it for inquiry or trial to any other such Magistrate competent to inquire into or try the same.”

So that the resultant or combined effect of all these three sections is to confer upon magistrates a very wide discretion apart from the restrictions placed under the amending Bill upon the rights of the complainant or the accused. And we ought not to forget that it may be either the complainant or the accused who may apply for a transfer although it generally happens that it is the accused who does so. In many cases the combined effect of these sections is to give very wide powers and a very wide discretion to the magistrate to adjourn or postpone a trial if he thinks that an adjournment is reasonable and necessary in the interests of justice, unless the magistrate who deals with the case is a totally dishonest magistrate who wants to promote himself at the expense of every other consideration. If the case is unfortunately before such a magistrate—and that is a very very rare exception—even in such a case, I contend, that neither the complainant nor the accused lose materially by the provision which is contained in the amending Bill. It provides that if there is one accused, he shall always have a right of one compulsory adjournment. If there are more than one, the position comes to this ; that if one of several accused applies for an adjournment on the ground of his applying for a transfer to the High Court and the adjournment is granted, he will either apply or he will not. If he does apply and succeeds, the benefit is shared equally by all the rest. If he does apply and fails, then the others cannot apply for any further adjournments so far as this section is concerned ; and, in the third case of his not applying at all, even then, I say, the other accused might apply to the court before which the proceedings are going on to give them a chance of applying for a transfer although the accused who did apply for an adjournment has failed to apply for a transfer to the High Court ; and, under section 344, which I have just now read out, I think any sensible magistrate, unless he is of the kind I have described, will feel that he is bound to grant an adjournment to enable the accused to apply for a transfer. Then it was brought to the notice of the House by my Honourable friend, Mr. Lalchand Navalrai, that this section would not have come into being but for the fact that Government found themselves in a very uncomfortable position in some of these State trials, *e.g.*, the Meerut Conspiracy case, in which a number of accused was charged and, one after another, they made it a point to gain time by applying for adjournments in order to move the High Court for a transfer. That is what actually happened, we all know ; and if the Government have been moved to take into their consideration for enactment a Bill of this kind, it is nothing unnatural at all ; although I must say that Government ought to concede that it is blameworthy in this respect that this point, although it was repeatedly brought to their notice on many an occasion by many an eminent authority, they never cared to take action until they actually found themselves in a very very uncomfortable position. But to attack the Government on the ground that a healthy legislation ought not to be brought forward, because the motive power that brings it into being

was not exercised long long ago, but only at a time when it is placed in an uncomfortable position, I say that that cannot be a ground for attacking the principle of the Bill. Then, with regard to the position for which provision is made in this section, I believe it was stated in the Statement of Objects and Reasons that one difficulty which the High Courts keenly felt in apportioning fees was the fact that the Public Prosecutor or the Legal Remembrancer, as he is known in some provinces, was not an officer who could charge any fee for a particular case, but was one who was remunerated by a monthly salary; if that officer is remunerated by a salary, it is clear that the matter of apportionment of fees in a particular case is a very difficult task indeed and that is why that provision has been introduced; and another very salient fact which I would bring to the notice of this House is that in the Select Committee, which was appointed to consider this Bill, the names of these distinguished men appear—Sir Hari Singh Gour, Sir C. P. Ramaswami Aiyar; so far as Sir C. P. Ramaswami Aiyar is concerned, though the Leader of the House, it might be said that as one sitting on the opposite side and probably interested in the passing of the Bill, his opinion on the amendment is subject to a big discount. That might probably be said. But conceding that that is so, and neglecting the Honourable gentleman altogether, we have Sir Hari Singh Gour; Mr. B. R. Puri is there—he is an eminent criminal lawyer of Lahore; Mr. DeSouza is there; he is a veteran District Judge; and then there are Mr. Azhar Ali and Mr. Yamin Khan and Mr. Shah Nawaz—all of whom are legal practitioners of very long standing and, I suppose, their views and their opinions on this Bill do count and, if there are other members of the legal profession who have not served on this Committee, their number is very small so far as this House is concerned. I heartily support the Honourable Mr. Haig's motion for consideration.

Rao Bahadur B. L. Patil (Bombay Southern Division : Non-Muhammadan Rural) : Sir, my Honourable friend to my right, Mr. Reddi, levelled a very serious charge against the Bill that has emerged from the Select Committee. I am not prepared to plead guilty to that charge to the extent to which my Honourable friend went. I do submit and I do admit that there are still some defects in the Bill; but my Honourable friend ought to have taken into consideration the abuses which have been so substantially proved to the satisfaction of the House with regard to the provisions of section 526, as it stands today on the Statute-book. The one thing which I seriously complain of in the Bill, as emerged from the Select Committee, is with regard to the other co-accused who lose the right the moment that right is exercised by one of their fellow accused. I have already, as a member of the Select Committee, said that in no sense any accused represents his fellow accused and I base my statement on this fundamental principle of criminal jurisprudence that the law is anxious that no single innocent accused person is punished or suffers though nine out of ten guilty persons escape. That is the fundamental principle of criminal jurisprudence, and we cannot lose sight of that fact.

In the next place, we must also take into consideration the fact that this provision is made, not because every accused should play a game with the court, but because he feels, and he sincerely and genuinely feels, that he will not get justice at the hands of a particular trying magistrate. It is *not necessary* that his suspicions should have a foundation that would

[Rao Bahadur B. L. Patil.]

appeal to the High Court or to a magistrate. It is enough, in my humble opinion, that the moment he feels that he will not get justice at the hands of a particular magistrate, he is entitled to apply. Therefore, Sir, on these two fundamental principles of criminal jurisprudence, I beg to submit that the Bill, as it has emerged from the Select Committee, is undoubtedly defective and ought to be modified.

Sir, I know that Government are very uncomfortable with regard to criminal cases that are now going on. I have full sympathy with Government in their difficulties. But I should like to point out that we are not legislating for exceptional cases. We are legislating certainly for the generality of cases. If you are to legislate for exceptional cases, there will be no end to that legislation. In the same way, I might point out, Sir, that every provision of law is likely to be abused. I ask and pause for a moment for a reply whether my Honourable friend, the Law Member, on the opposite Bench, would be able to say that there are no provisions that could not be abused in a similar manner? I think, Sir, he will admit that there are many provisions, many important provisions of law, that could be similarly abused. Therefore, Sir, I very strongly submit that it is not our duty to legislate for exceptional cases.

Then, Sir, with regard to the Bill, as amended by the Select Committee, I beg to submit that I for one feel that I am taken by surprise with regard to sub-clause (e) of clause 2 regarding appeals. I was under the impression that the provisions regarding appeals would be similar to the provisions regarding inquiries and trials. Therefore, Sir, I request my Honourable friend in charge of the Bill on the other side to consider this matter also very seriously. At this stage I do not propose to speak on other points, as I have got my own amendments, and as I propose to speak on them.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muham-

3 P.M.

madan Rural) : Sir, in spite of the elaborate and emphatic arguments from the other side, I remain convinced that this motion should receive the fullest support of this House. However, Sir, I would like to point out one matter in connection with clause 10 of the Bill. Clause 10 of the Bill refers to transfer applications in connection with appeals. It restricts the right of parties to appeal to make transfer applications to a time before the hearing of arguments in appeal. Now, Sir, it must be the experience of most of my lawyer colleagues that circumstances which give ground for apprehensions about miscarriage of justice in appeals rarely arise before the hearing of arguments in appeals. On the other hand, it is within my experience, Sir, that such circumstances do sometime arise during the course of the arguments in appeals, and, Sir, clause 10 seeks to exclude precisely such a case and deny the right of getting compulsory adjournment for making a transfer application to the party concerned after the arguments in appeal have begun. I submit, Sir, that little point should be amended, and I would recommend to the House that it should give its fullest support to this motion.

An Honourable Member : Sir, I move that the question be now put.

Rao Bahadur B. V. Sri Hari Rao Naydu : Mr. President, I rise to support the motion of the Honourable the Home Member that the Bill, as amended by the Select Committee, should be taken up for consideration.

My excuse in intervening in this debate, Sir, is that I can speak on behalf of the magistracy on account of my experience as a Sub-Divisional Magistrate in the mofussil, both before the Act was amended in 1923 and after, and, as a Presidency Magistrate in the City of Madras, after the last amendment of the Code.

Now, Sir, nine years have passed since section 526 of the Criminal Procedure Code was last amended, and experience during this period has shown how badly the privilege given to ask for compulsory adjournment at any time during the inquiry or trial of the case has been abused. Several High Court Judges have animadverted very severely on this piece of legislation, the latest available being the judgment of the Honourable Mr. Justice Lort Williams of the Calcutta High Court, reported in 59, Cal. 482, which the Honourable the Home Member referred to before the Bill was referred by this Honourable House to a Select Committee. The Report of the Select Committee is before us. Two Honourable Members of the Select Committee have thought it fit to append minutes of dissent. My Honourable friend, Mr. Amar Nath Dutt, who is unfortunately not here, has added a minute of dissent to the Select Committee's Report wherein he stated that he was against any curtailment of the accused's right to escape from the judgment of dishonest magistrates and dishonest judges. I may say, Sir, that, in the majority of these transfer applications, it is not because that the presiding magistrate is dishonest, that the transfer is sought, but because, he is, on the other hand, honest to a fault. The Honourable the Law Member had pointed out that no amount of legislation can check dishonesty in any official.

Now, Sir, I come to the various objections raised against the Select Committee Report. The Honourable the Home Member had stated, at the time of moving the Bill for reference to the Select Committee, that the Government had obtained the views of the various High Courts and Local Governments on the Bill as put forward by him originally. There was a difference of opinion, both inside this House and outside it, as to how far the Bill, as originally proposed, would help the magistracy in the proper discharge of their duty and the parties in obtaining due justice at the hands of the magistracy. Some thought that, though the proposed amendment was an improvement upon the present position, it did not go far enough. They thought that the amendment in 1884 was the origin of all this trouble and that the position, as it stood prior to the amendment in 1884, should be restored. I would quote the opinion of the late Honourable Mr. Justice Coutts Trotter, an eminent Judge of the Madras High Court, in this connection, which was published at page 92 in Paper IV, circulated to this Honourable House before the amendment of Act 1923 was passed. His Lordship said :

" I regard the suggested safeguards against frivolous applications for transfer as wholly inadequate. The proper remedy in my opinion would be to abolish the right altogether. It implies a distrust of the magistracy on the part of the legislature, which, however well founded when the Code was drawn up originally, is not warranted now. It undermines the authority of the magistracy by opening the door to reckless and baseless charges of partiality and corruption against its members and it enormously increases the facility for that procrastination and adjournment which are the bane of Indian legal proceedings. In my three years' experience as an Indian Judge (*the opinion was given in 1918*), I have not yet come across an application for transfer which appeared to me to have any substance in it and I should have thought that a plain case of partiality could be set right on appeal or revision."

[Rao Bahadur B. V. Sri Hari Rao Naydu.]

Even today, at least four of the Honourable Judges of the Calcutta High Court share that view.

I would quote the opinion of the Honourable Mr. Justice Lort Williams in this connection. He observes :

“ Various attempts have been made from time to time by Judges to mitigate some of the absurdities of the position created by this section. However praiseworthy these attempts have been made to make the section sensible, in our opinion they were not justified by its terms. The abuses made possible by the section cannot be cured in these ways. The only remedy is by way of amending legislation which we trust will be undertaken at the earliest possible moment. It should be provided that no application for transfer will be heard, unless it is made sufficiently early to allow time for the orders of the High Court to reach the Subordinate Court before the day fixed for the trial. ”

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : As the Honourable Member is making his maiden speech, the Chair does not wish to interrupt him ; but wishes to point out that the Honourable Member is dealing with the principle of the Bill, which has been accepted by the House. On the present occasion it is the report of the Select Committee which is before us. The Honourable Member is reading from the judgments of learned Judges of High Courts ; that would be perfectly relevant if the principle of the Bill was under discussion. The House is now dealing with the report of the Select Committee.

Rao Bahadur B. V. Sri Hari Rao Naydu : The whole House has agreed that the existing provisions are being abused. The object of the present legislation is to discourage, as far as possible, frivolous applications for transfer. Then, why, Sir, should there be any limit at all for the amount of compensation to be awarded ? It shows want of confidence in the highest Courts of Tribunal in our land. Each case depends upon its merits. It is uncharitable to think that High Court Judges, in whom only this power of awarding compensation is vested and who are invested with wide powers of life and death and who are invested with powers to make or mar big zamindars, have not the sense of proportion to judge in which case of transfer application they should award large and deterrent compensation and in which case they should award a nominal compensation. My Honourable friend, Mr. Lalchand Navalrai, has contrasted the amount of Rs. 250 fixed under section 526 (8) with the amount of compensation awarded under section 250 of the Criminal Procedure Code. My reply is, Sir, that in one case we have to take the experience of the High Court Judges into consideration, whereas, under section 250, we have to rely upon the judgments of the inexperienced lower subordinate magistracy.

I shall presently show, Sir, how even the maximum amount of Rs. 250 fixed by the Select Committee will not be an effective safeguard. Take, for instance, the cases of rioting before a magistrate. In most cases of this kind, the real matter in dispute is one relating to the possession or the ownership of immoveable property. In zamindari areas, we find that disputes often arise about home-farm lands, sometimes involving hundreds of acres in extent, the zamindar contending that the lands are his home-farm and the ryots claiming occupancy rights in them. Each party wants to drive the other to the court first. The fact of possession is an essential

point and each party wants to assert its right to the possession of the land by force and the result is serious breaches of peace. Whether both parties are charged or one party is charged for rioting, the court has to decide who is in actual possession of the land and who is the aggressor. Now, Sir, in such cases the party that is likely to lose wants to prolong the duration of the case. He either wants to win over the witnesses for the other side or escape from the decision of the trying magistrate if he is known to be strong. In such cases, Sir, where the stake is large extents of land costing thousands of rupees, would this Honourable House think that the maximum amount of Rs. 250 fixed by the Select Committee is a sufficient safeguard against frivolous transfer applications? The party does not care for Rs. 250 or even for Rs. 2,500. What he wants is the ultimate decision that possession of the disputed lands is with him. May not the High Court see through such cases, and if it does, what is the effective check that they can impose? I have known rioting cases involving the decision about possession being prolonged for more than three years. By that time, either some of the important witnesses are dead or they are bought over by the other side. I need not dwell at length here, Sir, on the difficulties of the prosecution when both parties are charged for rioting after deliberate preparation, and how the court has to ultimately acquit both parties in most cases on account of the undue prolongation of the trials. For the above reasons, I think that the maximum of Rs. 250 fixed by the Select Committee is a very modest amount and should not be reduced as suggested by my Honourable friend. Rao Bahadur Patil, in his minute of dissent.

Let us consider the other suggestion of my Honourable friend, Mr. Patil, in his minute of dissent, that the right of asking for compulsory adjournment should be extended to Chapters X, XII and XXXVI. Let me deal with Chapter X—public nuisances. What is the nature of proceedings under this Chapter? The courts have held that the proceedings under this chapter are more of a civil nature. The person proceeded against is a competent witness on his behalf. If he asks for a jury, the magistrate shall, under section 138 of the Code, forthwith appoint a jury and fix a time for the return of the verdict. If the jury, after taking the necessary evidence, decides that the order is reasonable or proper, the magistrate may make the order absolute and enforce it under section 140. If the jury modifies the order, the magistrate may or may not accept the modification, but if either the jury proposes a modification which the magistrate does not accept, or the verdict of the jury is adverse, the magistrate must drop all further proceedings. In the above circumstances, where is the necessity for any party to the proceedings under this chapter to apprehend any failure of justice at the hands of the trying magistrate, and why should any party be given a right to ask for an adjournment to apply for a transfer of the case?

Coming next to Chapter XII, this chapter deals with disputes regarding immoveable property. The object of this chapter is to provide for a speedy remedy for prevention of breaches of the peace arising out of disputes concerning immoveable property. The High Courts held that the Legislature could hardly have contemplated an elaborate and protracted inquiry, the result of which might be in many instances to defeat the very object in view. The magistrate's jurisdiction is ancillary in a way to that of the civil courts. It is in fact *quasi-civil*. In such cases, is it

[Kao Bahadur B. V. Sri Hari Rao Naydu.]

necessary, Sir, to incorporate in the Code of Criminal Procedure the right of asking for at least one compulsory adjournment in proceedings under this chapter ? These proceedings are intended only to prevent breaches of the peace without affecting the rights of the parties or their honour. The magistrate cannot have jurisdiction unless there is clear evidence regarding apprehension of breach of the peace. All the parties affected can also give evidence on oath. Under the above circumstances, I do not think we should give any occasion to the parties to prolong the proceedings indefinitely.

I now come to Chapter XXXVI, which relates to the maintenance of wives and children. Everybody who has any practical experience of these cases will agree with me when I say that in 99 out of 100 cases, the parties concerned are poor having no ancestral property, especially the party applying for maintenance. Rich parties have generally recourse to civil courts for fixing the rate of maintenance as questions relating to the joint family property also come up for decision. It would be really cruel to allow the proceedings to drag on for an indefinite period in such cases. The amount of maintenance that is generally awarded almost always ranges between Rs. 2 and Rs. 10 per mensem. It is true, Sir, that if the husband or the father of the illegitimate child is unwilling to pay the amount decided by the court, he can be treated as an accused and sent to jail. It is only when the court is satisfied that the man is able to pay and that he has been evading payment, he should be committed to imprisonment not exceeding one month at a time. This has certainly nothing to do with the nature of the proceedings before the decision of the case either as to the obligation to maintain or as to the rate of the maintenance. In all these matters of transfer applications, we all know who it is that advises the party to apply for transfer although lawyers say that they act always under instructions. Very few cases are filed under the maintenance chapter in the course of a year. It is only in Presidency Towns that they are largely filed and, from my experience as a Presidency Magistrate, I may assure this House, that it is nothing but driving to further starvation the poor applicants who come mostly from the poorest and the lowest class of society and who apply for maintenance after much starvation.

I come to another objection raised by my Honourable friend, Mr. Lalchand Navalrai. He was speaking of the trouble to which the party applying for a transfer is put if he cannot apply for transfer for reasons beyond his control or if he thinks there is no use of applying for transfer on account of the transfer of the magistrate. In the latter case, Sir, the party cannot say that the new magistrate will be prejudiced against this party, and, as in all cases, the amount forfeited goes to Government, the court has ample discretion to excuse the party or to order that only a nominal amount of the bond should be forfeited to the Government, if the court is satisfied that the non-application for transfer is not intentional.

As regards the objection that the amendments proposed by the Select Committee do not give an opportunity for a fair trial to all the accused in a case where there are more than one, my Honourable friend, Mr. Muhammad Yamin Khan, has clearly and convincingly explained the situation, and I hope that this Honourable House will agree with him.

With these observations, I beg to support the motion.

Some Honourable Members : Let the question be now put.

Sardar Sant Singh (West Punjab : Sikh) : I listened with great interest, Sir, to the lucid explanation given by the Honourable the Home Member in moving the consideration of the Bill as reported by the Select Committee. There can be no doubt that many objectionable features of the Bill, as it was introduced originally, have been removed by the Select Committee, but there are certain points which I will suggest for the consideration of Honourable Members opposite. One of them is this. The clause says :

“ If in any inquiry under Chapter VIII or Chapter XVIII or in any trial, any party interested intimates to the Court at any stage before the defence closes its case that he intends to make an application under this section, the Court shall, upon his executing, if so required, a bond without sureties, of an amount not exceeding two hundred rupees, that he will make such application within a reasonable time to be fixed by the Court, adjourn the case for such a period as will afford sufficient time for the application to be made and an order to be obtained thereon.”

Here it is required that a person who wants a transfer will execute a bond, but it is not stated in whose favour. Now, the interpretation that has been put upon this is that the bond shall be executed in favour of the Crown. Naturally section 514 will apply when the application is not made subsequent to the execution of the bond. The bond shall stand forfeited. If that is so, I have not been able to comprehend why the bond should be forfeited in favour of the Crown in cases which are being contested by private individuals. If a complainant decides to prosecute an accused person on a charge which is not cognisable, in that case if the accused wants to apply for a transfer of the case, there does not seem to be any reason why the bond should be executed in favour of the Crown, while the actual person who suffers by the adjournment or the delay of the proceedings in the criminal court is the complainant. I do not agree with the Honourable gentlemen who state that the executing of the bond will act very harshly against any individual. My submission is that there is no doubt that in order to put an end to frivolous and vexatious applications, some power should be vested in order to compensate the party injured, but not the Crown. Here the power has been specially taken by this amendment for the High Court to grant compensation in the case of a vexatious application, but what about the first court? Suppose a man does not go to the High Court. He has caused injury to the complainant who is prosecuting the case at his own expense and probably engages counsel from outside to prosecute the case and finds the whole thing turned topsy turvy because of the application of the accused. My submission is that in that case the compensation should be given not to the Crown, but to the complainant who is actually the party injured. I put forward this suggestion for the consideration of my Honourable friends on the Treasury Benches.

Then, there is the next proviso which restricts the application to only one application and then the court will be bound to grant the adjournment. Now, the objection takes an acute form in the riot cases. In riot cases, it often happens that out of the accused sent up for trial, there are several sets of accused defended by different counsel with different defences. If the application is restricted to one accused only, it may happen that one set of accused exercises that power without the knowledge of or in opposition to the wishes of, the other set of accused. In these circumstances my submission would be that the provision will act harshly upon the party

[Sardar Sant Singh.]

who have not taken advantage of this provision. Now, in riot cases, it has been my personal experience that sometimes the real persons who have fought and committed riot have compromised the case between themselves and have agreed to depose against their common enemies. In this case, what happens is that they would not lead evidence against the person who has really taken part in the commission of the offence, but they will lead the evidence against the other person. That person, in collusion with the other party, may exercise this right with a deliberate object of depriving the other set of accused of their right to ask for an adjournment for making an application when the latter finds himself in an unhappy position of losing faith in the magistrate. These are the cases for which I suggest that provision should be made in drafting section 526.

Then, again, in clause (d), you will notice that the Explanation says :

“ Nothing contained in sub-section (8) or sub-section (9) restricts the powers of a Court under section 344.”

Here clause (10) is omitted. There is no reason why clause (10) should be omitted from this explanation. Lastly, I will bring to the notice of the Honourable the Home Member one more additional fact which does not find place in section 526, as at present drafted. There are certain instructions of the High Courts in the working of the provisions of section 526. If the case is required to be transferred from one magistrate to another magistrate in the same district, it is incumbent upon the applicant to move the District Magistrate in the first instance. He cannot go direct to the High Court. If he proceeds to the High Court direct, then the High Court would not entertain his application and will send it back to move the District Magistrate. Now the provision is that a reasonable time should be granted to him to move the High Court. I would ask the Honourable the Law Member to make it clear whether it includes the first application as well as the second application to the High Court or, if the first application is dismissed by the District Magistrate, will further time be granted to the applicant to move the High Court ? That is a point which should be taken up. With these exceptions, I find the Bill quite satisfactory and if provision is made against the hardships which I have pointed out, my submission would be that there will be little ground for complaint to anybody.

The Honourable Sir Brojendra Mitter (Law Member) : I shall deal with my Honourable friend Mr. Sant Singh's points first. His first criticism of the Bill, as it has emerged from the Select Committee, is that the bond will be in favour of the Crown. In the case of private prosecutions, the really aggrieved party would be the complainant and the bond should be in his favour. The answer is simple. There is no such thing in law as a private prosecution. That is a popular expression. All prosecutions are by the Crown, because crimes are wrongs against the State. If there be a wrong against any individual, he has got his remedy in civil damages. In prosecutions, the really aggrieved party is the State or the Crown and, therefore, the bond should be in favour of the Crown.

Sardar Sant Singh : Suppose the complainant decides to move the High Court for the transfer, then the accused suffers.

The Honourable Sir Brojendra Mitter : Sir, the case which my learned friend had in view was one in which an accused person makes an application under section 526 and does not move the High Court. It

is only in that case that the bond is forfeited. In such a case, the complainant does not suffer very much, except for a little delay. If application is made to the High Court and is unsuccessful, then compensation is payable to him ; that is to say, in cases where he actually has to employ a lawyer and has been successful in the High Court, in such a case the High Court has been given the power to pay compensation to him. But in the other case where no application is made, he does not engage lawyers till notice is served on him. If no application is made, no notice is served upon him and therefore he does not incur any expense. That being so, why should the bond be in his favour when he has not suffered any loss in money ? The bond in favour of the Crown is not for the sake of money but as a deterrent against frivolous or *mala fide* applications under section 526. Therefore the *mala fides* being against the State, the bond should be in favour of the Crown. That is his first point. His second point is that if there be several sets of accused, as in riot cases there are frequently several sets of accused, then one set of accused may collusively, or fraudulently, make an application under section 526 in order to deprive the other sets of accused of availing themselves of the provision for a compulsory adjournment. The answer is this. In such a case the different sets of accused are quarrelling amongst themselves. That is no ground for a transfer. Section 526 comes in when there is good ground for transfer, that is to say, when there is a legitimate grievance against the trying magistrate. If the case be that the magistrate is colluding with one set of accused and at the instance of the magistrate that set of accused makes an application under section 526 for a compulsory adjournment, to deprive the other sets of accused of the right. Well, that may be a possibility, but in legislation we cannot legislate against possibilities, we can legislate only against probabilities. It would be highly improbable that the magistrate should enter into a conspiracy with one set of accused for the purpose of prejudicing another set. The case which my friend cited was when each set of accused is trying to fasten the blame on the other set of accused. In a riot case, one set may say, " those are the rioters, not we ", and that charge is repeated by the other side. There the different accused are quarrelling amongst themselves. That is hardly a case which comes under section 526 unless the magistrate is involved in that dispute. If the magistrate was so dishonest as to enter into a conspiracy with one set of accused, and section 526 is exhausted then the ordinary provisions of the law, that is the Charter Act, the Letters Patent, the Government of India Act, will still apply. It is not the case therefore that the aggrieved set of persons will be without a remedy. They cannot get a compulsory adjournment, but nevertheless they can go up to the High Court, expose the mendacity of the magistrate, expose the fact that the magistrate entered into a conspiracy with one set of accused to the prejudice of another set of accused, and that will be a good ground for transfer, and possibly in such a case the High Court will immediately order a stay of proceedings and possibly also order a trial or inquiry *de novo*. Therefore, there is no practical difficulty which one can anticipate arising out of these riot cases. If you once admit the principle of each accused having a right of compulsory adjournment, well, then this Bill is unnecessary. That is precisely the evil against which this Bill is directed. We conceded the point that one compulsory adjournment might be granted because, as it was pointed out convincingly, that it was only during the course of a trial that the bias of a magistrate might become manifest and a stay was necessary in the interest of the aggrieved party. Well, we can go that far and

[Sir Brojendra Mitter.]

no further, because if you once concede a further right of compulsory stay, then there is no limit to it, and we shall be exactly in the same position as we are in today, namely you have to grant adjournments on the application of one accused after the other. Sir, it is hardly likely that the magistrate should take it into his head to entertain a bias against the different accused by turns. That is hardly likely. What is likely and against which ample provision is made is this,—the magistrate showing a bias against the accused in favour of the prosecution. In such a case, whether there be one accused or more than one accused, this Bill as it has come out of the Select Committee gives the right to the accused to secure a compulsory adjournment. Then, Sir, my Honourable friend's third point was with regard to section 344 and sub-clause (e) of clause 2 of the Bill. Probably my Honourable friend has overlooked the fact that section 344 applies only to inquiries and trials, it does not apply to appeals, and sub-clause (e) deals with appeals. Sir, his last point was with reference to time for the application to be made and for order to be obtained thereon. Now this order is an order from the High Court. His point is that under the ordinary practice the first application is made to the District Magistrate. Failing that, the party goes to the High Court; and, therefore, it may be that the time which would ordinarily be granted would not be sufficient to cover the period required for moving the District Magistrate and then moving the High Court and obtaining an order from the High Court. The answer is that in such cases the magistrate will be asked to give a reasonable time, sufficient time for both the applications to be made. That is precisely the reason why we did not accede to the suggestion that a statutory limit of time should be provided. There was a suggestion that a fortnight's time should be mentioned. (*Mr. S. G. Jog* : "Not less than.") A fortnight may not be enough to move the two courts; but if in any particular case under the ordinary practice or under the circular orders of the High Court, a magistrate has to be moved first, then certainly that fact should be made known to the trying magistrate and the trying magistrate will give sufficient time for it. If he does not give sufficient time, surely, when you go to the High Court, and the High Court has seisin of the case, it can pass any orders. It can extend the time and so on. I take a concrete case. Supposing the magistrate gives three weeks to move the High Court. Well ten days expire in moving the District Magistrate unsuccessfully. Eleven days remain to go up to the High Court and obtain an order, which may not be sufficient; but within the eleven days, if you move the High Court, the High Court in a proper case is likely to say : "Well, for this application to be heard and for the order to be made, eleven days is not enough. Therefore, we extend the time". There will be no other difficulty, because if you can persuade the High Court to entertain your application, the High Court will send for the records of the case. Once the records of the case come up to the High Court, the magistrate cannot do anything. There is a compulsory adjournment. So there is no practical difficulty, though there may be a theoretical one.

Sardar Sant Singh : I hope my Honourable friend will excuse my interrupting him. What happens is this. Time is granted, say three weeks; the application is then made and the District Magistrate decides the issue. If the application is rejected by the District Magistrate, then no time will be left to go to the High Court.

The Honourable Sir Brojendra Mitter : In that case, the party goes back to the trial court and says, all this time was taken up in the magistrate's court without any fault of his, and the magistrate will be likely to exercise his discretion under section 344. If he cursedly refused to exercise his discretion under section 344, then the party will always be free to go up to the High Court and by stating these facts is likely to get a stay of the proceedings.

Mr. Lalchand Navalrai : If the magistrate decides that case in two days, how can one go to the High Court ?

The Honourable Sir Brojendra Mitter : Even in that extreme case, an application is made to the District Magistrate ; the application is unsuccessful ; so you go back to the trying magistrate, and the trying magistrate, out of malice, takes up the case and finishes it that very day. In that case, there will be a good ground for having the whole proceeding quashed by the High Court. So, there is no practical difficulty ; all these are imaginary difficulties, which, in practice, are not likely to happen.

Now, Sir, I deal with the points raised by my learned friend Mr. Navalrai. His first point was this. Government has brought in this Bill in order to deal with political cases. In the first place, I should like to know what is my friend's definition of a political case ? What is a political case ? Either it is a crime or it is not a crime ; motive is not an element in crime. (*A Voice : " Meerut case."*) If my friend says that the Meerut case is a political case, that is not a definition ; it is an illustration. Now, what is a political case ?

Rao Bahadur B. L. Patil : A political case is a case in which the Government are very much embarrassed. (*Laughter.*)

The Honourable Sir Brojendra Mitter : Sir, what is a political case ? A political dacoity is committed of which we hear so much ; is it a political case ? Because for a political purpose the dacoity is committed, is it not a case of dacoity simpliciter under the Penal Code ? When a political train-wrecking takes place, is that a political case or a mere train-wrecking case ? Where a political assassination is committed of high Government officials, does my Honourable friend say that it is a political case or is that not a case of simple murder or an attempt to murder ? It is said political cases have prompted this Bill. If that were so, then how is it that every High Court, which has been consulted, has asked for a change of this section ? The High Courts certainly would not be charged even by my learned friend Mr. Lalchand Navalrai with bias towards the executive. How is it that every High Court has asked for a change of this section ? Was it for the sake of facilitating the trial of political cases or was it not in the interests of justice that they have been demanding a change ? There is a further point. What are ordinarily known as political cases are sedition cases. They may be called political cases. A man for his political opinion is brought to trial. Now, what happens in these sedition cases ? These cases are not decided on oral evidence as much as on documentary evidence. It is on the construction of oral statements or writing that these cases are decided. The mischief which compulsory adjournment causes is tampering with the witnesses. Now, this tampering with witnesses is the least likely in a political case, because a political case, as I submit,

[Sir Brojendra Mitter.]

is frequently decided upon documents. Therefore, the charge that the Bill has been brought for facilitating trials of political cases, I submit, is grossly unfair.

Then, Sir, my learned friend, Mr. Lalchand Navalrai, said that the conditions for making an application under section 526, which the Bill provides for, are hard conditions, and he gave several instances. His first illustration is that an accused may make an application under 526 and get a compulsory adjournment and then he is advised by better lawyers not to move. In that case he loses the chance of making a similar application on a subsequent occasion. Now, Sir, it is precisely that sort of thoughtless and reckless applications.....

Mr. Lalchand Navalrai : He also loses his bond.

The Honourable Sir Brojendra Mitter : He ought to lose his application, his bond and everything. My point is this that if he makes an application recklessly, which, on better advice, he abandons, then he ought not have made his application under section 526. It is in order to ensure some amount of responsibility on the accused that this Bill has been brought forward, so that when he makes his application under section 526, he may do so on proper advice and not merely on his whim and caprice.

The next point he makes is this. An application is made under section 526 on the ground that the magistrate is biased. That magistrate is transferred and a second magistrate comes in to try the case, and the accused loses an opportunity of making a similar application before the second magistrate. Sir, that presupposes that every magistrate who comes to try that case comes with a bias against that particular accused.

Mr. Lalchand Navalrai : Will the Honourable Member excuse me for interrupting him ? May I explain myself ? If an application is made and by the time he makes the application the magistrate is transferred, why should he lose his bond ? Why should you make him to lose his bond and thereby incur a loss of Rs. 200 ?

The Honourable Sir Brojendra Mitter : In that case, does my learned friend imagine that the second magistrate will enforce the bond ?

Mr. Lalchand Navalrai : Why not ?

The Honourable Sir Brojendra Mitter : Here an application was made on the assumption of a certain state of things and a bond was given that the accused should make an application before the High Court for the transfer of the case from magistrate 'A'. Meanwhile magistrate 'A' is transferred and therefore there is no occasion to make the application. I cannot imagine that the Government would apply to the court to enforce the bond and get Rs. 100 or Rs. 200, whatever that may be. That is quite inconceivable.

Mr. Lalchand Navalrai : The Honourable Member has never been a magistrate, he has always been an advocate and therefore he does not know how the magistrates decide cases.

The Honourable Sir Brojendra Mitter : All I can say is that such a contingency has never occurred in my experience and I go further and say such a contingency is not likely to occur in any circumstances.

Mr. Lalchand Navalrai : There was no such provision before.

The Honourable Sir Brojendra Mitter : If there was no such provision before, then my Honourable friend is not speaking from experience, he can only speak from what he anticipates. If he anticipates any difficulty, in a couple of years time, we shall have provincial autonomy and we shall have control over all these courts and we shall certainly see that no such thing happens.

Mr. Lalchand Navalrai : I look at it from another standpoint.

The Honourable Sir Brojendra Mitter : Then, the third point of my Honourable friend was what the magistrate considers a reasonable time may not in fact prove sufficient. I have already answered that. If that can be made out, then surely the High Court has got power to extend the time. The other points which have been made out in the course of the debate are mostly covered by the amendments which are tabled. I reserve my observations on those points till the amendments are moved. I contend that in the Bill, as it has emerged from the Select Committee, and as my Honourable colleague the Home Member pointed out in his opening speech, we have met our friends on the opposite benches on the points which they raised in the course of the debate. We have provided for application being made at any stage of the proceedings. We have provided for a compulsory adjournment and at the same time, we have tried to make provision against *mala fide* applications and we have provided for penalties in cases of unsuccessful and frivolous applications. We have attempted to reconcile the interests of the accused with the ends of justice. That being so, Sir, the Bill as it has emerged from the Select Committee meets the needs and requirements of the situation. It meets the criticisms which have been made and with regard to the minor points which are covered by the amendments, when these points are raised, I hope you will give me an opportunity to deal with them.

Several Honourable Members : The question may now be put.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Mr. Haig to reply.

The Honourable Mr. H. G. Haig : I have nothing to say.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Clause 2. Mr. Jog.

Mr. S. G. Jog (Berar Representative) : I do not move my amendment No. 1* on the agenda.

Mr. President : Amendment No. 2† stands in the name of Mr. Muhammad Anwar-ul-Azim. He is absent. Mr. Jog.

Mr. S. G. Jog : I do not move amendment No. 3‡.

*** That part (b) of clause 2 of the Bill be omitted.”

†† That in part (b) of clause 2 of the Bill, for the words ‘ such sum not exceeding two hundred and fifty rupees ’ the words ‘ such sum as is ordinarily charged by the Advocate who opposes the motion ’ be substituted.”

‡‡ That in part (b) of clause 2 of the Bill, for the words ‘ two hundred and fifty ’, the word ‘ fifty ’ be substituted.”

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Mr. Lalchand Navalrai.

Mr. Lalchand Navalrai : Sir, I move.....

Several Honourable Members : Withdraw.

Mr. Lalchand Navalrai : No, I am quite in earnest about this amendment. I move :

“ That in part (b) of clause 2 of the Bill, the words ‘ two hundred and ’ be omitted.”

Sir, in the section as it now stands in the Code of Criminal Procedure, there is the word ‘ costs ’ which is now changed into the word ‘ compensation ’. My submission is that the compensation should be reasonable. I have brought to the notice of the House already that a sum of Rs. 250 is too much compensation and I have given ample reasons for my view. It is no use repeating those reasons again. Therefore, for the reasons already submitted by me, the compensation of Rs. 250 is too much and my amendment meets the ends of justice by fixing Rs. 50 compensation instead of Rs. 250.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That in part (b) of clause 2 of the Bill, the words ‘ two hundred and ’ be omitted.”

The Honourable Mr. H. G. Haig : Sir, I, too, like my Honourable friend opposite, have given my reasons regarding this amendment. I have already explained that I personally should have preferred the matter to be left to the discretion of the High Court without any sum at all being specified, but if any sum is to be specified, and I was perfectly prepared to meet my Honourable friends opposite, I think Rs. 250 is a very reasonable sum, and I submit we should not further limit the discretion of the High Court.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That in part (b) of clause 2 of the Bill, the words ‘ two hundred and ’ be omitted.”

The motion was negatived.

Mr. T. N. Ramakrishna Reddi : Sir, I move :

“ That in part (b) of clause 2 of the Bill, for the words ‘ two hundred and fifty ’, the words ‘ one hundred ’ be substituted.”

Sir, we have accepted the principle that an accused should be entitled to apply for a transfer and that he should be given one compulsory adjournment. You have also accepted the principle that you must enable him to do it. My submission is, you should not scare him away from making the application for transfer by fixing a very high compensation in case he does not put in an application. As has already been pointed out, it is from this point of view that he apprehends danger. Supposing he goes to the High Court and consults eminent lawyers. They might tell him that the allegations made by the accused are not enough for a transfer and they might advise him to go back.

The Honourable Mr. H. G. Haig : On a point of order, Sir. I think my Honourable friend is arguing an amendment other than the one which he has moved. His amendment refers exactly to the same point as that which has been disposed of in connection with Mr. Lalchand Navalrai's amendment.

Mr. T. N. Ramakrishna Reddi : My point is that though the compensation must be sufficient as to prevent all frivolous applications, yet it must not be too high as to scare away parties. That is why I submit a sum of Rs. 100 is the proper compensation. The previous amendment of my Honourable friend, Mr. Lalchand Navalrai, was for fixing the compensation at Rs. 50. My amendment would meet the ends of justice by fixing it at Rs. 100. Now that the word 'costs' has been changed into 'compensation', if it is only cost, the High Court will award him the costs which may not come up to much, but if it is compensation, it might go to any amount, even to Rs. 250. Specially in ordinary cases, it is only poor people who are accused, and, I submit, the amount should not be so high as to scare away even *bona fide* applicants from submitting their application for transfer. I submit Rs. 100 is quite enough.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Amendment moved :

"That in part (b) of clause 2 of the Bill, for the words 'two hundred and fifty', the words 'one hundred' be substituted."

Rao Bahadur B. L. Patil : Sir, there is a similar amendment standing in my name and, instead of moving that over again, I rise to offer a few comments on the amendment moved by my Honourable friend, Mr. Reddi. My chief reason for seeking to fix a maximum of Rs. 100 is that when we fix a maximum, we indicate the general standard to be adopted. Let me for example draw the attention of Honourable Members to the provisions of the Penal Code where maximum punishments are provided. And, in every case, the magistrate or the court can inflict the least possible punishment under that maximum. So also, in this case, if we once fix the maximum, the magistrate or the court and specially the High Court can adopt its own standard. Sir, in a case where seven years' rigorous imprisonment is provided, no court will ever give a punishment of seven days. Therefore, we should fix a maximum simply to provide a standard. Also, as Mr. Reddi said, we must consider this question from the point of view of the generality of cases that arise. Perhaps Government have in their mind the important political cases that have cropped up, cases in which they feel very much embarrassed and have to spend lot of money. But I am supporting this amendment from the point of view of commonplace cases and of the common people whose ability to pay must be considered. Therefore, I beg to submit that it would not be just or proper on the part of this Legislature to fix the amount at Rs. 250. Government say that the High Court will judge each case on its merits, but if we once fix the maximum the High Court will exercise its power and its decision or order will be very hard upon the poor litigants. Then, Sir, what is the tendency of the High Courts? Their tendency is to reject such applications. I have already submitted, at the consideration stage of the Bill, that we must take into consideration what the accused sincerely thinks about his case. A litigant is not expected to know the grounds on which these applications are moved and we do not expect him to know the law on the

[Rao Bahadur B. L. Patil.]

subject and the tendency and practice of the High Courts. We must judge this point solely from the point of view of an accused person who thinks that he would not get justice at the hands of a particular trying magistrate. It is enough for us that there is a genuine and *bona fide* feeling in his mind. From various decisions that we read in the commentaries of the Criminal Procedure Code we find that on similar facts different Judges have come to conclusions altogether contradictory. From that we can see that all Judges may not think in the same way. Therefore, when we are fixing a maximum, we must always take it that we are fixing a standard. In the interest of the general public, the maximum should not be more than Rs. 100 ; so I support the amendment.

Sardar Sant Singh : Sir, I support this amendment and my reasons

4 P.M.

for doing so are these. In cases of transfer, it is sometimes, more often than not, very difficult for the person who feels himself aggrieved by the conduct of the magistrate to judicially prove the allegations that he chooses to bring against the magistrate's conduct of the case. And it often happens that the accused, knowing full well that the magistrate has certain reasons to be biased against him, is forced to make certain allegations against the magistrate. I have experience of about a quarter of a century in the trial courts and I know it that in the Punjab,—and I say it with great pain,—the majority of magistrates are neither judicially minded nor honest. Now that the Government are interfering with a valuable right of the accused, they certainly have another duty to perform as well. I mean, to do something to maintain the integrity of the magistrates and to keep pure the fountain of justice. So far the Government have not decided to separate judicial from executive functions. The combination of these two functions in one magistrate has produced a curious result. Those magistrates who are honest will not accept any gratification in the shape of money or presents, but still it is a fact to be noted with great pain that even the most honest and conscientious magistrates find themselves unable to resist the influence and interference of the police and the executive in their judicial work. Thus a sort of comradeship has come to be established between the police and the judiciary. The District Magistrate in 99 per cent. of the cases tries to maintain the dignity of the magistrate and the police. He is always alert to find some excuse to reject the applications. These are facts which are unfortunately too true and nobody can get away from them. In these circumstances, to grant power to the authority to inflict compensation to the amount of Rs. 250 will be a hardship. Then there is one thing more. This power to grant compensation has not been given to the District Magistrate in case an application is made to him alone. If that is so, then I think this rule of granting compensation of Rs. 250 in cases of vexatious and frivolous complaints will not apply when the application is made to the District Magistrate.

The Honourable Sir Brojendra Mitter : That is so.

Sardar Sant Singh : In that case, there is some security and the rule applies only when applications are made to the High Court. But there is another objection. Throughout the Criminal Procedure Code, you will find that there is no provision to grant compensation beyond a limit of Rs. 100. The relevant section is section 250 in the case of bringing a false charge against any person. In those cases, the magistrates have power to grant

compensation, but the power is limited to Rs. 100 only. Then, again, in cases under section 488, the limit is fixed at Rs. 100. There does not seem to be any reason why the limit should be Rs. 250 in the case of making frivolous application. If you charge a man falsely and thus probably ruin his career and his business and practically inflict social death on him, you are only to pay compensation to the extent of Rs. 100. But if you make a frivolous application for a transfer of your case, you are to pay a fine of Rs. 250. There does not seem to be any logic in this arbitrary limit. Then, again, Sir, the object of the law should be that it should not be vindictive. It should appear to be fair and just to everyone. Therefore, I support this amendment with all my heart and I will urge upon the House to accept it.

Khan Bahadur Malik Allah Baksh Khan Tiwana (Punjab : Nominated Official) : Sir, I had no idea of speaking on this amendment, but when I heard the most sweeping remarks of my Honourable friend against the magistracy of the Punjab, to which body I am proud to belong, I could not remain quiet.....

Sardar Sant Singh : There may be exceptions.

Khan Bahadur Malik Allah Baksh Khan Tiwana :and I repudiate most strongly the statement of my Honourable friend. The magistracy of the Punjab is working under the present British Law for nearly over seventy years. My friend should have produced, when he was passing such remarks against the majority of the magistrates, enough examples and instances to justify his statement. But not a single instance has been quoted.

Sardar Sant Singh : With your permission, may I remind him to read the evidence of Mr. Emerson before the Simon Commission ?

Dr. Ziauddin Ahmad : He is making his maiden speech and should not be interrupted.

Sardar Sant Singh : I am only pointing it out to him.

Khan Bahadur Malik Allah Baksh Khan Tiwana : The other point is this that so far as I know, neither the High Court nor the public have ever made such sweeping remarks against the Punjab magistracy. I have never read any document of Government saying that the majority of the magistracy of the Punjab was dishonest, nor would the statement made by my Honourable friend be justified by perusing the Punjab record. But I do not think that was the point at issue in this amendment. If my Honourable friend thinks that the majority of the magistracy of the Punjab is dishonest, then what would be the good for him in taking a case from one court to another ? (Laughter.)

Sardar Sant Singh : There I agree.

Khan Bahadur Malik Allah Baksh Khan Tiwana : I do not attach much importance to the opinion of the Honourable Member, whom I do not take as a judge of the magistrates. We are to be judged by our own acts and by our own superiors. As far as this amendment is concerned, I do not think the honesty or dishonesty of the magistracy makes much difference according to the statement of my Honourable friend. I oppose the amendment.

The Honourable Mr. H. G. Haig : Sir, I am glad that my Honourable friend, Malik Allah Baksh Khan Tiwana, has saved me from the trouble of dealing at any length with the sweeping and, in my opinion, entirely unreasonable charge that Sardar Sant Singh has brought against a very fine body of Government servants. I would only say that this condemnation of a class carries with it its own refutation.

Coming to the merits of the amendment, I was a little disappointed, I confess, when the Honourable Member, Rao Bahadur Patil, made some complaint that by inserting these words "two hundred and fifty rupees" we were setting a certain standard which was an undesirable thing to do. I have already explained to the House that, so far as I am concerned, I would far rather have had no maximum limit at all and left the matter entirely to the discretion of the High Court. But, in order to meet, as I thought, the views of my Honourable friend opposite, I agreed to having a limit placed on the powers of the High Court in this matter ; and I would suggest that the limit which we fixed upon was a very reasonable one. Mention has been made of the fact that, under section 250 of the Criminal Procedure Code, a lower limit is fixed for frivolous and vexatious cases which are brought in magistrates' courts. To that, my answer would be two-fold. In the first place, we are here dealing, not with the discretion of magistrates, but with the discretion of High Courts, and I should have supposed that the discretion of High Courts might have been rated at least at 150 rupees above the discretion of magistrates. In the second place, we have to consider what happens if there is a really frivolous and vexatious application for transfer. The whole proceedings are held up for perhaps three or four weeks ; the other side is put to great inconvenience and expense ; they have engaged counsel, they have to pay for them without obtaining their services ; their witnesses are present ; they have to be sent back and resummoned. It is a very serious interference with the proper course of justice and is likely to cause very considerable loss to the other party.

Rao Bahadur B. L. Patil : To meet this, there is section 344 ; the magistrate can lay down any conditions before granting an application under section 344.

The Honourable Mr. H. G. Haig : I did not quite follow the reference to section 344. Under that, the magistrate always has discretion if he thinks it is a proper case to adjourn. Finally, it seemed to me that, in arguing on this amendment, there was a tendency to suppose that any application which was rejected by the High Court would be held by the High Court to be frivolous and vexatious and that compensation would be awarded. I do not think there is any justification for such a view. If an applicant has really reasonable grounds for going to the High Court, he can go to the High Court with perfect confidence that these powers will not be used against him, though he fails. It is only if there are no reasonable grounds, when the application is manifestly frivolous, that the High Court will use these powers and I maintain that it is most important that the High Court should have them.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

"That in part (b) of clause 2 of the Bill, for the words 'two hundred and fifty', the words 'one hundred' be substituted."

The motion was negatived.

Mr. T. N. Ramakrishna Reddi : Sir, I move the amendment which stands in my name :

“ That in part (c) of clause 2 of the Bill, in the proposed sub-section (8), for the words ‘ If in any inquiry under Chapter VIII or Chapter XVIII or in any trial,’ the words ‘ If in any inquiry or trial,’ be substituted.”

Under the existing law, the operation of this section is not restricted to these two Chapters alone. It says : “ If in any inquiry or trial ”. Under the old law, as it stood before 1923, there was a difference of opinion on account of the use of the word ‘ criminal ’ before the word ‘ trial ’, whether cases under Chapter XII could come under the operation of this section, namely, security proceedings and possession cases. That has been set at rest by removing the word ‘ criminal ’ in the Code of 1923, thus bringing all the cases arising under the Code under the operation of this section. There is absolutely no justification for restricting the scope now by conferring the operation only to Chapters VIII and XVIII. For instance, Chapter X of the Code deals with public nuisances, Chapter XII deals with disputes with regard to immoveable properties, and Chapter XXXVIII deals with maintenance cases. Magistrates, who try cases under Chapter VIII or XVIII, are the same magistrates and the clients are also the same. Such being the case, I do not think there is any justification for excluding these Chapters from the purview.

The Honourable Sir C. P. Ramaswami Aiyar (Member for Commerce and Railways) : Will my Honourable friend realise that he is really protesting against what is really a very wide scope for action ?

Mr. T. N. Ramakrishna Reddi : I do not know how my amendment would curtail the rights now given. What I want is that all the Chapters should come under the operation of this section.

With regard to disputes relating to immoveable property, that is a very important Chapter, because, as my Honourable friend, Rao Bahadur Sri Hari Rao Naydu, pointed out, it involves questions of immoveable properties of very great value. Zemindaris might come under inquiry, and it may be that one party may be very poor, while the other party might be very rich. Under that Chapter, the court will inquire as to who was in possession of the property in regard to these disputes relating to these immoveable properties at the time of inquiry. It is very likely, and it very often happens, Sir, that rich people will very easily oust the poor from their possession by force and then the poor people have to resort to criminal courts. It is a section which is intended for the poor people who are to establish their claim as against the rich people, because if the poor people are driven to civil courts, they have to spend a lot of money by way of stamp duties and other things, which they are not able to pay. Thus, by excluding this section, the poor man has to suffer.

Then, Sir, with regard to maintenance cases which Chapter XXXVIII deals with, I know of instances where the magistrates have taken a perverse view and granted maintenance to wives and illegitimate children. The other party has absolutely no choice, as they have to submit to the decision of the court. Sir, there are not very good grounds urged by the Government for the exclusion of this Chapter. Further, Sir, it has been held by the various High Courts that cases under the Legal Practitioners’ Act and

[Mr. T. N. Ramakrishna Reddi.]

Workmen's Breach of Contract Act have also been brought under the purview of this section. By restricting the operation of section 526 only to these chapters, all these rights will be taken away. Therefore, I submit that this amendment of mine ought to be accepted, because it enables any inquiry and trial to be brought under the operation of this section.

The Honourable Sir Brojendra Mitter : Sir, I am afraid I must oppose this amendment. My Honourable friend's objection is that the scope of this section is too limited and he wants to expand the scope of the section by bringing within its pale all inquiries and all trials. So far as trials are concerned, all trials are already included in this section. Therefore, his grievance is limited to inquiries. He says that an inquiry under section 145 ought to be within the scope of this section. I shall submit to the House the reasons why 145 ought not to be included in this section. Section 145 applies where there is a likelihood of a breach of the peace on account of disputes over land. A magistrate makes an order keeping the party in possession who was lately in possession of the property, but it is always subject to the rights of the parties being determined by a civil court. It is a temporary order for the purpose of maintaining peace by maintaining the *status quo*. That is the purport of section 145, and the House will readily realise how necessary it is that an inquiry under section 145 should not be interrupted in any way, because the whole object of that section is to prevent a breach of the peace. In order to prevent a breach of the peace the magistrate holds rough and ready inquiry, he does not go into the titles of the people, but he merely makes a rough and ready inquiry as to possession, and he has to come to a decision as to who was recently in possession of the land and who was disturbing it. In any proceeding like that, speed is of the utmost importance in the interests of the public peace, and therefore, that is particularly a section which ought to be excluded from the scope of a provision which enables a party to secure a compulsory adjournment. Sir, one of the objects of legislation is to set at rest conflicts of judicial decisions, and my learned friend Mr. Reddi knows very well that several High Courts hold under the existing law that 145 does come within the scope of 526, while other High Courts hold the contrary view. Now, it is in order to set that conflict at rest that we want to make it perfectly clear that a proceeding under section 145 ought not to be interrupted at the sweet will and pleasure of a party to the proceeding.

The next illustration he gave was an inquiry under the maintenance chapter. Now, Sir, here again, we know that it is poor women who have been ill-treated by their husbands who go to a magistrate for maintenance. Why? Because the poor woman or the poor child is starving. Would you give the offending husband a right to hold up the proceedings for an indefinite period so that these poor women and poor children may go on starving? That is one of the things in which a speedy trial is necessary and one of the things in which the ultimate remedy is to be found in the civil courts. We have excluded from the scope of section 526 all such temporary and speedy measures which are necessary for immediate relief, but in which the ultimate relief can be given only by the civil courts. The maintenance chapter comes within that category as section 145. Then my Honourable and learned friend referred to two Acts,—the Legal Practitioners' Act and the Workmen's Breach of Contract Act. Now, Sir,

probably my Honourable and learned friend has forgotten that the Workmen's Breach of Contract Act was repealed 7 years ago. It is no longer on the Statute-book. In 1925 that Act was repealed. There is no penal law now except a few sections here and there in the Penal Code punishing breaches of contract. Therefore, that illustration is inapt. The last is the Legal Practitioners' Act. Here again, I will remind the House that the High Courts are divided in their opinion as to whether a proceeding under the Legal Practitioners' Act comes within the scope of section 526 as it stands. Some of the High Courts say yes, while others say no, and in order to set that conflict at rest we have provided that it is not to come within section 526. After all, as my Honourable and learned friend is well aware, under the Legal Practitioners' Act the final order is always made by the High Court upon a report made by the subordinate court. The subordinate courts have got nothing to do except to make a report and in most cases under the Legal Practitioners' Act it is all affidavits. Therefore, no hardship can ever occur by reason of a proceeding under the Legal Practitioners' Act being held by a subordinate court when that subordinate court acts more or less as a post office in forwarding to the High Court the materials which it collects. It is unnecessary that under the Legal Practitioners' Act the proceedings should at all be stayed at the instance of a party to the proceedings. These are all the illustrations he gave. I hope I have convinced the House that those illustrations are singularly unhappy illustrations. One of the object of legislation is to make the law clear, definite and unequivocal and to set at rest conflicts of judicial decisions. There is another objection to bringing in either the Legal Practitioners' Act or any other special Act within the scope of section 526. It is this. All these special Acts provide a special procedure for their proceedings. Now, it is very difficult, and it is extremely confusing to dovetail the special procedures of these special Acts into the procedure of the Criminal Procedure Code. Therefore it is desirable in the interest of definiteness, in the interest of certainty, that such special procedures should be left separate from the procedure of the Criminal Procedure Code. We have thought that the only cases in which possible hardship may occur are cases which come under Chapter VIII and Chapter XVIII. We have provided for those. It removes all ambiguity, and it sets at rest the conflicts of judicial decisions. I hope the House will unanimously approve of the provisions in the Bill.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question that I have to put is :

"That in part (c) of clause 2 of the Bill, in the proposed sub-section (8), for the words 'If in any inquiry under Chapter VIII or Chapter XVIII or in any trial,' the words 'If in any inquiry or trial,' be substituted."

The motion was negatived.

Rao Bahadur B. L. Patil : I beg to move :

"That in part (c) of clause 2 of the Bill, in the proposed sub-section (8), the words 'under Chapter VIII or Chapter XVIII,' be omitted."

I think it is my unfortunate lot to move this amendment which has already been rejected by the House when moved by my Honourable friend, Mr. Reddi. Instead of repeating what my Honourable friend has said, I should like to reply to the arguments advanced by the Honourable the Law Member. It appears that the first objection to this amendment is that these proceedings are in the nature of civil proceedings and they

[Rao Bahadur B. L. Patil.]

have a separate place in the Criminal Procedure Code as distinct from trials and inquiries. We know that there are provisions under the Civil Procedure Code for transfer and, I ask the Honourable the Law Member, why there should not be similar provisions when there are proceedings or inquiries under the Criminal Procedure Code. In the next place, the Honourable the Law Member submitted that this clause restricts itself to two Chapters of the Code in order to set at rest the conflicting decisions of the several High Courts. I submit that the opinion of the various High Courts is not unanimous, and I make myself bold to say that the opinions are rather in favour of my amendment. The trend of decisions is in my favour. Then, Sir, I take my stand on this. Whenever there is a possibility of an order being passed under the Criminal Procedure Code and the disobedience of which is likely to entail some punishment upon the person who breaks it, I submit that he should be given as much right as an accused person, because, as my Honourable friend has submitted, in the generality of cases they are poor people, and the interests of those people require that justice should be done. I submit that my amendment is a very modest one, and I do not know why Government is so adamant in this respect. I hope that the House and the Government will accept my amendment.

The Honourable Sir Brojendra Mitter : I oppose this amendment. It is substantially the same as the previous amendment, although in strict letter it may not be so. In addition to what I have submitted already, I ought to remind the House that those proceedings which we have excluded are proceedings in which a speedy decision by court in the interest of public peace is necessary. But if any party to those proceedings be really prejudiced, the High Court is always open, as I have already submitted, under the Charter Act, under the Letters Patent, under the Government of India Act, to apply for a transfer. The doors of the High Court are very wide and they are always open.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That in part (c) of clause 2 of the Bill, in the proposed sub-section (8), the words ‘ under Chapter VIII or Chapter XVIII, ’ be omitted.”

The motion was negatived.

***Mr. S. G. Jog :** We have reached the ninth amendment and we are practically at the far end of the day. The discussion has ranged over the question about the merits and demerits of the magistracy in India and the broad question about the separation of judicial and executive. I for one must resist the temptation on this point to pass any remarks upon the merits and demerits of the general magistracy in India or the broad question about the judicial and the executive. I will leave that point for some future occasion to discuss at great length but, at the same time, we must know that in India there are different classes of magistrates. We have the Presidency Magistrates, magistrates of the first class, second class and third class, and I doubt whether a fourth class is to be brought about. We have to deal with all these classes of magistrates. You are already aware of the education of some of these magistrates and what their vagaries are. We have to frame our laws to suit the nature of their

education, their temperament, their whims and, sometimes, their vagaries also. If you look at this measure from this point of view, I think you will accept my amendment.

Another thing I would like the House to bear in mind is this. Some time in your life, some of you will have to be complainants. Some time some of us will have to be accused. I make no exception of the Treasury Benches also. I should like you to put yourselves in that predicament. If any magistrate shows any bias or does not give you proper facilities and, if, in your mind, you think that you will not have a fair trial and have justice done to you, you can imagine what your predicament will be. If you look at this measure from that point of view and that point of view alone, you should try to give all sorts of facilities to an accused person or the party interested as soon as he gets the idea that he will not have a fair trial. In the Select Committee, you have agreed to the demand of my esteemed friend, Mr. Puri, to grant one compulsory adjournment to the accused, but all the grace of granting that concession has been taken away by the safeguards or restrictions or, I should go further and say, the impediments you are putting or the fetters that you are putting on that power or right given to the accused. We have already conceded that the party interested is given, as a matter of right, one adjournment, but, at the same time, you say that he should be called upon to give security and that he should do this and that and the object seems to be, as was pointed out by my Honourable friend, Mr. Lalchand Navalrai, to give with one hand and take away with the other. The accused, as soon as he finds that he is called upon to execute a bond, will treat it as a sort of pressure and this measure will act as a deterrent for him and, in order to avoid this trouble, he will have to submit himself to the vagaries of the magistrate. I am open to correction, but it seems to me that, from the wording of the section, it gives discretion to the magistrate even in the matter of security, whether he should take it or not. If the Honourable the Law Member agrees with my view, much of my doubts will be cleared. The wording, as it is, is like this :

“That he intends to make an application under this section, the Court shall, upon his executing, if so required.”

Now, the words “if so required” give discretion to the magistrate to dispense with security. In some cases he may find that the security is not essential. If the wording, as I interpret it, gives the magistrate discretion, whether to take the security or not, I for one will be satisfied and will not propose my amendment, but if the wording means that the magistrate must insist upon the security, but the only discretion is in the matter of taking surety or not.....

The Honourable Mr. H. G. Haig : May I clear this point at once ? The section gives complete discretion to the magistrate either to take the bond or not to take the bond and, therefore, I hope my Honourable friend will withdraw his amendment.

Mr. S. G. Jog : I feel quite satisfied. The wording left some doubt in my mind, but, with the assurance that the Honourable the Home Member has given, I do not wish to press my amendment.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member has made his speech and now says that he does not wish to move his amendment. The difficulty in the matter arises from the fact that Mr. Lalchand Navalrai has an identical amendment on the Order Paper and I understand that he wishes to move it. In the circumstances the Honourable Member will please formally move his amendment so that

[Mr. President.]

the Honourable Member Mr. Navalrai may have an opportunity of addressing the House.

Mr. S. G. Jog : Sir, I formally move my amendment which runs thus :

“ That in part (c) of clause 2 of the Bill, in the proposed sub-section (g), the words and commas ‘ upon his executing, if so required, a bond without sureties, of an amount not exceeding two hundred rupees, that he will make such application within a reasonable time to be fixed by the Court ’ be omitted.”

Mr. Lalchand Navalrai : It is not easy, Mr. President, for me to be led away (Laughter) by the assurance that has been given, which had in fact been already clear to me. The words “ if required ” are clear enough that there was a discretion to the magistrate to take the surety or not. Sir, I unlike my Honourable friend who said that he had unfortunately to move his amendment, I feel, on the contrary, fortunate to have the privilege of expressing my own views in support of my amendment. Sir, in expressing my views in support of my amendment, my humble submission is that though I shall not repeat the reasons which I have already given, I must remind the House that I want to place some concrete illustrations where hardship will ensue if this clause remains. I ask the House to judge for themselves if the reply that they got from the Honourable the Law Member was at all convincing. Sir, with all the respect I have for him, I must say, I got disappointed with the replies. (Ironical Cheers.) Sir, take the case of those applicants who having got time honestly, for good grounds, think not unnecessary to make an application for transfer ; now, if they come back to the magistrate, they will lose Rs. 200. I do not at all think, Sir, that the reply of the Honourable the Law Member was convincing, and, therefore, this argument remains unanswered. Sir, supposing that after the adjournment is granted, the case is transferred from that magistrate by the authorities, or it is withdrawn and no application is made by the accused, then, too, the accused loses Rs. 200. Therefore, Sir, I submit that to put in a clause like this is like giving something with one hand and taking that away with another. I think those who agreed amongst themselves in Select Committee with regard to the incorporation of this clause were, I would say with great respect to them, under a great misapprehension. Sir, I would, therefore, submit that this amendment which has been placed is substantial.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Are you supporting or opposing the amendment ?

Mr. Lalchand Navalrai : I am supporting the amendment, Sir. And, Sir, having regard to the spirit of this amendment, I must say that it would be really good grace on the part of the Government if they once at least abandoned their persistence. Sir, look at the amendments on the List and not even one has been accepted (Laughter) ! I would therefore submit that once at least the Government should yield and accept this motion.

The Honourable Mr. H. G. Haig : Sir, I feel very reluctant not to be able to meet the appeal *ad misericordiam* which has just come from my Honourable friend, Mr. Lalchand Navalrai. But this is really a matter of important principle. (Mr. N. M. Joshi : “ Of religion ! ”) Sir, we have given to every accused person the right, by merely notifying his intention of making an application to the High Court, to hold up the proceedings at any time ; and, in giving that right, we must take certain elementary precautions that it is not abused. Now, this provision for a bond is such an elementary precaution ; and I would urge, Sir, that it is perfectly fair

to the accused. The accused loses nothing ; he stands to lose nothing, if, in fact, he intends to do what he has declared his intention of doing, and if he takes the action on the basis of which he has suspended the proceedings of the case. My Honourable friend, Mr. Lalchand Navalrai, gave certain hard cases in which he thought that the accused might be unfairly prejudiced. They have all been dealt with by my Honourable colleague, the Law Member, and I do not think it is necessary for me to repeat his answers. But I would just refer to one case mentioned by Mr. Lalchand Navalrai. He said that the accused might have had a genuine intention of moving the Court when he made the application and, later on, he might change his mind. Well, Sir, I submit that this procedure of moving the High Court of declaring an intention of moving the High Court, is a serious matter. It is not a thing to be undertaken lightheartedly ; it is not a thing on which one would have one opinion one day, and a different opinion the next day. There must be really serious grounds of apprehension that he will not get a fair trial. Why, I ask, should those grounds of apprehension disappear the next day ? I submit that is not really a probable case. I would, therefore, urge the House to oppose this amendment.

The motion was negatived.

Mr. T. N. Ramakrishna Reddi : Sir, I move the amendment (*Cries of "Withdraw, Withdraw."*) which stands in my name, namely :

"That in part (c) of clause 2 of the Bill, in the proposed sub-section (8), for the words 'two hundred' the words 'one hundred' be substituted."

Sir, I am very much beholden to the Honourable the Home Member for having in advance drawn a distinction between the previous amendment referring to the discretionary powers of the High Court and the present amendment referring to the discretionary powers of the magistrate. Further on, he said in connection with the previous amendment, that the opposite party had to be put to great expense in going up to the High Court and in engaging counsel and such like serious hardships. In this amendment, Sir, there is absolutely no such trouble involved. A person who wants a transfer has to execute a bond. The other party does not suffer anything. As the Honourable the Law Member pointed out, he has simply to wait for some time ; he does not suffer any pecuniary loss. So the distinction has already been drawn by the Honourable the Home Member and, I am sure, the House can accept this amendment. Now, Sir, you have fixed the amount at Rs. 200. My submission is that it is a very high amount, judging from the nature of the parties who usually take resort to these proceedings. Further, Sir, in order to avoid any frivolous applications, you have already restricted by giving only one chance to the party to make an application. And the party is not likely to lose the one chance that is given to him and so will not rush to the Court to apply for the transfer on any trivial grounds. Sir, we have thus already got a check on frivolous applications. Now, after accepting the principle and after allowing the accused to make one application which would fetch him one compulsory adjournment, it is hard that you should fix this amount at such a high figure. So, it is in the interests of justice that this figure should be put at a lower figure of Rs. 100. Then, Sir, in the amended Bill the provision which enables magistrates to award costs for any adjournment has been retained, which was not in the original Bill. The Explanation runs thus :

"Nothing contained in sub-section (8) or sub-section (9) restricts the powers of a Court under section 344."

[Mr. T. N. Ramakrishna Reddi.]

So there is always the power, and that power has been retained to the magistrate, who can award costs of re-adournment for any reasonable cause. If the accused makes a frivolous application for transfer, then the magistrate is entitled, under section 344, to award costs. This is an additional burden and, having imposed that burden, you should not fix the amount for the bond at too high a figure. Further, Sir, you have seen that this section 526 has enabled the parties to go to the High Court and ventilate their grievances against the magistrates. As my friend has pointed out, we have to deal with all grades of magistrates and in the lower grades you cannot expect that amount of honesty which you do find in the higher grades of magistrates. But you legislate for all the magistrates. Hitherto this section has enabled many persons to apply for transfers and to ventilate their grievances before the highest courts and we have seen really many instances in which the High Courts have passed strictures against the conduct of the magistrates of lower courts. By putting this sum at a high figure you are really taking away the salutary check that we had on the conduct of magistrates. So, I again submit that, although you must fix a sum which would prevent a frivolous application, you must also see that the same is not such as to scare away a *bona fide* applicant. I am sure, if the Honourable the Home Member adopts the same attitude as he did on another amendment, he will certainly accept this amendment. With these words, I move my amendment.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Amendment moved :

“ That in part (c) of clause 2 of the Bill, in the proposed sub-section (8), for the words ‘ two hundred ’ the words ‘ one hundred ’ be substituted.”

The Honourable Mr. H. G. Haig : Sir, the Honourable Member has already drawn the distinction between the bond, which is the subject of this amendment, and the compensation that may be awarded by the High Court. In the one case, the party actually has to pay a certain sum in compensation, and, in the other case, it is merely a precaution that he is a *bona fide* applicant who will be required to execute a bond which, if he does what he intends to do, will not be forfeited. The whole point in this amendment is whether in fixing a maximum of Rs. 200 we are fixing an excessive sum. I submit, that is clearly not the case. There might very well be many cases in which an accused person wishing to obtain an adjournment for three weeks or a month would be very glad indeed to pay Rs. 100, to enter into a bond without having the slightest intention of carrying it out. So the sum of Rs. 200, that we have put down, is absolutely the smallest sum that we can fix as a maximum.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That in part (c) of clause 2 of the Bill, in the proposed sub-section (8), for the words ‘ two hundred ’ the words ‘ one hundred ’ be substituted.”

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 20th September, 1932.





